

#### THE

# Statutes at Large,

#### FROM THE

## to the 23d Year of King George II.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

### VOL. XIX.

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#### CAMBRIDGE,

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CUM PRIFILEGIO.



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Anno 20 Georgii II.

I. PQR the further continuing an act made in the last fion of parliament, intituled, An to impower his Majesty to secure d detain such persons as his Majesty all suspect are conspiring against his rson and government.

2. For granting an aid to his a said to his sajesty by a land tax, to be raised Great Britain, for the service of e year one thousand seven hun-

ed and forty seven.

. 3. For repealing the several rates id duties upon houses, windows, id lights; and for granting to his lajesty other rates and duties upon ouses, windows, or lights; and r raising the sum of four millions ur hundred thousand pounds by inuities, to be charged on the said tes or duties.

. 4. To continue, explain, and nend an act made in the last session of parliament, intituled, An act enable his Majesty to make rules, orirs, and regulations, more effectually protet the spreading of the distemr bich now rages amongst the horn-

! cattle in this kingdom.

nalt, mum, cyder, and perry, that part of Great Britain called ingland; and for granting to his lajesty certain duties upon malt, um, cyder, and perry, in that part Great Britain called Scotland; and or applying a certain sum of moey therein mentioned, towards the OL. XIX.

supply for the service of the year one thousand seven hundred and

forty feven.

Cap. 6. To continue and make more effectual two acts of parliament; one passed in the twelsth year of the reign of her late majesty Queen Anne, and the other in the first year of the reign of his present Majesty, for repairing the highways between the Bear Inn in Reading and Puntfield in the county of Berks; and for amending other roads in the last act mentioned.

Cap. 7. For enlarging the term and powers granted by an act passed in the twelsth year of the reign of his late majesty King George the First, intituled, An act for repairing the roads leading from the western part of the parish of Shensield, to Harwich, in the county of Essex, and the road leading from Chelmsford in the said county, to Sudbury in the county of Susfolk; and from Margretting to Malden in the county of Essex, and from Colchester to Langham in the same county; and for repairing other roads adjoining to the same roads.

Cap. 8. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing, widening, and amending the road leading from Warrington to Wigan in the county of Lancaster; and also for amending and repairing the road leading from a place called Earl's Kill, in



Warrington aforesaid, to the toll-bars in Wallgate, in Wigan afore-faid.

Cap. 9. For repairing the high road leading from the north end of the Cow Cawfey, near the town of New-castle upon Tyne, to the town of Belford, and from thence to Buckton Burn, in the county of Northumberland.

Cap. 10. For granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.

Cap. 11. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 12. For repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge in the said county.

Cap. 13. For repairing the road from Sunderland near the Sea, to the city of Durham, in the county of Dur-

ham.

Cap. 14. For opening, cleanfing, repairing, and improving the haven of Southwould in the county of Suffolk.

Cap. 15. For repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of Southamp-

Cap. 16. For enlarging the term and powers granted by several acts of parliament passed for repairing the highways between Wymondham and Attleborough, and from Wymondham to Hetherset, and from the mouth of Wigmore Lane to Hall Walk Gate in Attleborough, in the county of Norfolk; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.

Cap. 17. For enlarging the term and powers granted by two acts of parliament, for laying a duty of two pennies Scots upon every pint of ale and beer brewed and vended within the town of Dundee, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.

Cap. 18. For the better preservation and improvement of the river Wear, and port and haven of Sunderland,

in the county of Durham.

Cap. 19. For the better adjusting and more easy recovery of the wages of certain servants; and for the better regulations of such servants, and of

certain apprentices.

Cap. 20. For relief of such of his Majesty's loyal subjects, in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the re-

bels, in the late rebellion.

Cap. 21. For holding the summer assizes, and sessions of the peace, for the county of Norfolk, in the city and county of Norwich, until a new shire house can be built for the said county of Norfolk; and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.

Cap. 22. For building a bridge cross the river Thames, from the parish of Walton upon Thames in the county of Surrey, to Shepperton in the coun-

ty of Middlesex.

Cap. 23. For repairing the a d leading from Girencester in the county of Gloucester, to Birdlip's Hill in the

faid county.

Cap. 24. For the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at *Greenwich*; and for preventing the embezzlement of goods and stores belonging to the said hospital.

Cap. 25. For repairing the high road learning



leading from the town of Stockton upon Tees, to Darlington, and from thence through Winston to Barnard

Castle, in the same county.

Cap. 26. For reviving and continuing an act passed in the sixth year of the reign of his late majesty King George the First, intituled, An act for laying a duty of two penny Scots, or one sixth part of a penny Sterling, upon ever Scots pint of beer or ale vended or sold within the town of Bruntisland, and liberties thereof, for increasing the publick revenue of the said town, and for other purposes therein mentioned.

Cap. 27. For founding and building a chapel in Wednesfield, in the parish of Wolverhampton, in the coun-

ty of Stafford.

Cap. 28. For repairing the road leading from Catherick Bridge, in the county of York, to Yarm in the faid county; and from thence to Stockton in the county of Durham; and from thence through Sedgefield, in the faid county of Durham, to the city of Durham.

Cap. 29. To confirm an agreement made by the rector and vestry-men of the parish of Saint James, within the liberty of Westminster, for enlarging the churchyard of the said parish; and for other purposes

therein mentioned.

Cap. 30. For allowing persons impeached of high treason, whereby
corruption of blood may be
rade, or for misprision of such
treaso, to make their full desence

by council.

Can. 31. For continuing the term, and enlarging the powers granted by an act passed in the twelfth year of his late Majesty's reign, intituled, An act for repairing and widening the roads from the city of Gloucester to the city of Hereford; and for repairing other roads in the county of Gloucester.

Cap: 32. For uniting the two colleges

of Saint Salvator and Saint Leonard, in the university of Saint Andrews, pursuant to an agreement for that

purpofe.

Cap. 33. To enable the parishioners of the parish of Saint Andrew Holborn, in the city of London and county of Middlesex, to purchase a convenient piece of ground, for an additional burying-ground, for the use of the said parish; and to enable the said parishioners to raise such sum and sums of money, as shall be necessary for that purpose.

Cap. 34. To enable his Majesty to allow to the residuary legatees of Sir foseph fekyll knight, late master of the rolls, deceased, part of the legacy given by his will to the use of

the Sinking fund.

Cap. 35. To indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further

time for that purpole.

- Cap. 36. For granting to his Majesty a certain fum of money out of the Sinking fund, for the service of the year one thouland leven hundred and forty feven; and also for enabling his Majesty to raise a further fum of money for the uses and purpoles therein mentioned; and for the further appropriating the fupplies granted in this fession of parliament; and for applying a certain fum of money, for defraying the charge of the allowances to feveral officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand feven hundred and forty feven; and for continuing the bounties on the exportation of British and Irish coarse linens.
- Cap. 37. For the ease of sheriffs with regard to the return of process.
- Cap. 38. For the relief and support of maimed and disabled seamen, a 2



and the widows and children of fuch as shall be killed, slain, or drowned, in the merchants service.

Cap. 39. For granting a duty to his Majesty to be paid by distillers, upon licences taken out by them for

retailing spirituous liquors.

Cap. 40. To revive, continue, and amend an act made in the ninth year of the reign of his late majefty King George the First, intituled, An act for clearing, depthening, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for depthening and making more navigable the feveral rivers emptying themselves at the faid town; and also for preserving ships wintering in the faid haven, from accidents by fire.

Cap. 41. For vesting in his Majesty the estates of certain traitors, and for more effectually discovering the fame, and applying the produce thereof to the use of his Majesty, and for ascertaining and satisfying the lawful debts and claims there-

upon.

Cap. 42. To enforce the execution of an act of this session of parlia. ment, for granting to his Majesty feveral rates and duties upon houses,

windows, or lights.

Cap. 43. For taking away and abolishing the heretable jurisdictions in that part of Great Britain called Scotland; and for making fatisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the law in Scotland to take the oaths; and for rendering the union of the two kingdoms more complete.

Cap. 44. To extend the provisions of an act made in the thirteenth year

of his present Majesty's reign, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are settled, or shall settle in any of his Majesty's colonies in America, to other foreign protestants who conscientiously scruple

the taking of an oath.

Cap. 45. To continue several laws relating to the manufactures of failcloth and filk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better fecuring the payment of the faid duties; and declaring that prize ships lawfully condemned shall be deemed British built ships; and for allowing prize goods to be landed and secured in proper ware-houses, without payment of any duty, until it can be determined whether they are fit for exportation or home confumption.

Cap. 46. To prevent the return of fuch rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to hinder their going into the enemies

country. To continue several laws Cap. 47. for prohibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain; for preventing exactions of the occupiers of locks and wears upon the river of Thomes westward, and for ascerta rates of water carriage up n the faid river; and for better fecuring the lawful trade of his Majesty's subjects to and from the East Incies; and for the more effectual preventing all his Majesty's subjects, trading thither under foreign commiffions; and relating to rice, to frauds in the customs, to the clandestine running of goods, and to copper ore of the British plantations; and for the free importation of cechi-



neal and indico; and for punishment of persons destroying turnpikes, or locks or other works erected by authority of parliament.

Cap. 48. To indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law, and for allowing further time for that pur-

pole.

Cap. 49. For declaring valid fuch acts as have been done by Thomas Paulin, as one of the principal land coal-meters of the city and liberty of Westminster, between the twenty ninth day of September last and the eighth day of November following.

Cap. 50. For taking away the tenure of ward holding in Scotland, and for converting the same into blanch and feu holdings; and for regulating the calualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurrred there by horning and denunciation for civil causes; and for giving to heirs and fuccessors there a summary process against superiors; and for discharging the attendance of valials at head courts there; and for ascertaining the services of tenants there; and for allowing heirs of tailzie there to fell lands to the crown for erecting buildings, and making fettlements in the highlands.

Cap. 51. To enlarge the time limite by an act of the last session of parlial vent for restraining the use of the lighland dress, and to enable heirs of tailzie, guardians, tutors, curators, and trustees in Scotland to

fell lands to the crown. Cap. 32. For the King's most graci-

ous, general, and free pardon.

#### Private AEts.

Anno 20 Georgii II.

I. An act to enable Richard Waynhouse, and his heirs male, to take and use the surname of Emmott, and no other, pursuant to the will of Christopher Emmott, esquire, decealed.

2. An act for fale of part of the fettled estate of Harry earl of Stamford, in order to discharge several incum-

brances affecting the same.

3. An act for fettling the estates of Thomas earl of Leicester, and Edward Coke esquire, commonly called lord Coke, his only ion, in the county of Norfolk, on the marriage of the faid Edward lord Coke with the lady Mary Campbell, one of the daughters of John late duke of Argyll, decealed.

4. An act for settling the estates of William lord Byron and Elizabeth Shaw spinster, an infant, on their

intermarriage.

5. An act to enable Sir Thomas Parkyns baronet, and Jane Parkyns (with the confent of their guardians and trustees) to make a conveyance by way of fettlement, on their intermarriage, notwithstand-

ing their minority.

6. An act for raising money by leasing or fale of the estates late of Thomas Taylor esquire the father, and Thomas Taylor esquire the son, deceased, to discharge the debts and incumbrances affecting the same, and for making a partition of fuch estates, or to much thereof as shall not be fold for the purposes aforesaid.

7. An act to enable Lillie Smith, and his heirs by Valentina his wife (formerly Valentina Aynscombe) to take and use the surname of Aynscombe, pursuant to the will of Thomas Ayn-

fcombe elquire, deceased.

8. An act to enable Edmund Garforth, formerly called Edmund Dring, and his heirs, to take, use, and bear the furname and arms of Garforth.

9. An act to confirm a decree of the court of the dutchy of Lancaster, concerning certain marsh lands, called Sutton Marsh, in the county of Lincoln, and a conveyance, from a 3



Lastells Metcalfe esquire, of the same to the corporation of the president and governors of the hospital founded at the sole costs and charges of

Thomas Guy esquire.

of Saint Botolph without Aldgate, London, the estate of Thomas Kynaston clerk, comprized in his marriage settlement, and for purchasing another estate, to be settled to the uses of the said settlement.

doctor Simon Burton deceased, in the counties of Wilts and Southampton, in trustees, to raise money for the payment of several debts and incumbrances, and for other

purpoles therein mentioned.

blishing certain articles of agreement between the heirs at law and devisees of Joceline late earl of Leicester, deceased, for the settlement and disposition of the real estate of the said earl, and for rendering the said agreement more effectual for the purposes thereby intended.

the settled estates of Richard Oakeley esquire, in the counties of Salop and Oxford, for the payment of several debts and incumbrances, and for providing a recompence for the same, in such manner as is therein

mentioned.

14. An act for vesting part of the fettled estate of Henry Talbot esquire, in the county of Warwick, in him, in fee simple, discharged of the uses of his marriage settlement, upon his settling other lands, of greater value, to the same uses.

William Moore esquire, in the counties of Sussex, Surrey, and Stafford, for payment of debts and legacies.

widow, and her assigns, during the life of Thomas Colemore merchant, to make building leases of lands in

and near Birmingham, in the coun-

ty of Warwick.

17. An act to enable the guardian of Elizabeth Sambrooke and Diana Sambrooke, infants, to join with Mary Sambrooke their fifter in making building leases of divers houses and tenements in the county of Middle-sex.

18. An act to impower the guardians of William Mitchell, and other infants, to make leases of their estates in the several counties of Huntingdon, Surrey, Middlesex, Cambridge, Leicester, Kent, Somerset, and Nor-

folk, during their minorities.

of the real and personal estate of Thomas Garrard esquire, deceased, pursuant to his intention declared in his life-time, and at the desire, and with the consent of his six sons.

of Thomas Rolt esquire, in trustees, to be sold for raising money, to discharge incumbrances affecting the same, and other debts; and for securing an equivalent, in respect of the settled part of such estates, for the benefit of his wife and infant son; and for the providing portions for his daughters, and for other purposes.

of Richard Powys esquire, deceased, for payment of his debts and daughters portions, and for

poses therein expressed.

22. An act for sale of certain estates in Tervin and Datchworth in the county of Hertford, belonging to Jane, Anne, Mary, and Surma Awdrey, Kemeys, infants, pursuant to an agreement entered into by their trustees for that purpose.

23. An act for sale of the settled and other estate of John Curtis, in the county of Norfolk, and applying part of the money arising thereby in payment of legacies and debts,

and



and applying other part of such money in the purchase of other estates, to be settled to the like uses, and for other purposes therein mentioned.

24. An act for vesting the capital messuage, called Great Frogmore, with the lands and grounds thereunto belonging, devised by the will of Mary, late dutchess of Northumberland, in trustees, to be sold for the purposes therein mentioned.

in the counties of Hereford, Monmouth, and Gloucester, of Robert Gwillym esquire, and Robert Gwillym his son, for discharging incumbrances affecting the same, and for settling, in lieu thereof, other lands and hereditaments in the county of Lancaster, and for other purposes therein mentioned.

26. An act for vesting a farm and lands in Cullumpton, in the county of Devon, late the estate of Robert Drew gentleman, deceased, in trustees, in order to convey the same to Henry Cruwys gentleman, pursuant to an agreement with Mary Drew widow, and for discharging a mortgage on the said estate.

27. An act for sale of the estate of Edward Masters deceased, for payment of his debts, and for other purposes therein mentioned.

28. An act to dissolve the marriage of Corbyn Morris esquire, with Elibe be b Fanshawe his now wife, and to enable him to marry again, and for there purposes therein mentioned.

29. An act to impower Mary Stillington widow, to execute a power vested in Joseph Stillington esquire, her late husband, deceased, for raising money to complete the inclosure of the common fields and common grounds in the manor of Kelfield, in the county of York.

30. An act to enable Thomas Bushell esquire, and his descendants, to

take and use the surname and arms of Fettiplace.

31. An act for naturalizing Mark Liotard, Henry Ubthoff, and John David Ziegell.

32. An act for naturalizing Albert Vandenvelde merchant.

#### Anno 21 Georgii II.

Cap. 1. For continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and forty eight

Cap. 2. For granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same.

Cap. 3. To revive and make perpetual two acts of parliament; one made in the twelfth year of the reign of his late majesty King George the First, intituled, An act to prevent frivolous and vexatious arrests; and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said act.

Cap. 4. To prohibit assurance on ships belonging to France, and on merchandizes or effects laden thereon, during the present war with France.

Cap. 5. For repairing the high road from the town of Bowes in the county of York, to Barnard Castle in the



the county of Durham, and from thence through Staindrop to New-gate in Bishop Auckland, and from Newgate along Gibb Chair to Guandless Bridge, and from thence by Melderston Gill, otherwise Coundon Gill, to the turnpike road near Sunderland Bridge, in the county of Durham.

Cap. 6. To punish mutiny and defertion; and for the better payment of the army and their quarters.

Cap. 7. For granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred

and forty eight.

Cap. 8. For impowering George Montgomerie, and Thomas Byrd, esquires,
and Ezra Patching, to complete an
undertaking, for furnishing the inhabitants of the several parishes and
places of Stratford, Westham, Bow,
Bromley, Mile-end, Stepney, and other
parishes and places adjacent, with
water; and for better securing their
property in such undertaking.

Cap. 9. To indemnify persons who have omitted to qualify themselves for offices and employments, within the time limited by law, and for allowing further time for that pur-

pose.

Cap. 10. For explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of sour millions four hundred thousand pounds by annuities, to be charged on the said rates or duties.

Cap. 11. For further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wreck-

ed, lost, or taken; and for continuing to them their wages upon certain conditions.

Cap. 12. For holding the fummer affizes for the county of Buckingham at the county town of Buckingham.

Cap. 13. To rectify a mistake in an act made this session of parliament, intituled, An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 14. For permitting tea to be exported to Ireland, and his Majesty's plantations in America, without paying the inland duties charged thereupon by an act of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an act of this session of parliament.

Cap. 15. For enlarging the term and powers granted by an act passed in the eighth year of the reign of his present Majesty, for repairing the roads from the town of Manchester, leading through Newton, Failsworth, and Oldham, in the county palatine of Lancaster, to Austerlands, in the parish of Saddleworth, in the county of York; and for making the same more effec-

tual.

Cap. 16. For enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, For repairing road from Hertford Bridg Hill, to the town of Basingstoke; and also the road from Hertford-Bridge Hill aforesaid, to the town of Odiham, in the county of Southampton, an! for making the said act more estable.

Cap. 17. To render more effectually an act made in the twentieth year of his Majesty's reign, intituled, An act for relief of such of his Majessy's loyal subjects in that part of Great Britain



Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebelion.

Cap. 18. For draining and preserving certain sen lands in the several parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain extraparochial place in Byal Fen, within the isle of Ely and

county of Cambridge.

Cap. 19. For the more effectual trial and punishment of high treason and misprission of high treason, in the highlands of Scotland; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs depute and stewarts depute, and their substitutes; and for other purposes therein mentioned.

Cap. 20. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing the several roads leading from Birmingham, through the town of Wednesbury, to a place called High Bullen, and to Great Bridge; and from thence to the end of Gibbet Lane, next adjoining to the township of Bilson; and from Great Bridge, through Dudley to King-Swinford, and to the further end of Brittel Lane, in the counties of Wirwick, Stafford, and Worcester. p. 2. For erecting workhouses, for the better employing and maintaining the poor within the burgh of Bury Saint Edmunds, in the county of Suffolk; and for the better repring and paving the streets and righways there.

ap. 22. For enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for repairing the roads leading from the town of

Bromsgrove to the town of Dudley, in the county of Worcester; and from the said town of Bromsgrove to the town of Birmingham, in the county of Warwick; so far as the said act relates to repairing the roads leading from the town of Birmingham to the town of Bromsgrove, in the county of Worcester; and for making the same more effectual.

Cap. 23. For granting to his Majesty the fum of one million out of the finking fund, for the service of the year one thouland seven hundred and forty eight; and for applying a lum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at Lady-day, one thousand seven hundred and forty feven; and for the further appropriating the fuplies granted in this fession of parliament, and for applying a certain fum of money for defraying the charge of the allowances for the year one thousand seven hundred and forty eight, to feveral officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.

Cap. 24. For building a church in the town of Liverpool, in the county palatine of Lancaster, and for enlightening and cleansing the streets of the said town, and for keeping and maintaining a nightly watch

there.

Cap. 25. For repairing the roads leading from Sutton Colefield common to the town of Walfall and from Sneals Green to Walfall, and from Walfall to Park Brook, which divides the parishes of Wolverhampton and Walfall, and from Gibbet Lane to Wolverhampton, and from Compton to the end of the county of Stafford, and from Wolverhampton to the IVergs, and from thence to Shiffnall, and from the Wergs to Hales Heath, and from Wolverhampton



bampton to Cannock Wood in the road

to Litchfield.

p. 26. For explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled, An act for prohibiting the wearing and importation of cambricks and French lawns.

Cap. 27. For repairing the high road from Piersbridge to Kirkmerrington in the county of Durham, and from thence to the turnpike road at Tudbee Lane end in the said county.

Cap. 28. To explain and amend an act passed in the fourteenth year of his Majesty's reign, intituled, An act for the preservation of the publick roads in that part of Great Britain called England; and so much of an act passed in the third year of the reign of King William and Queen Mary, intituled, An act for the better repairing and amending the highways, and for settling the rates of the carriage of goods, as relates to the fettling the rates of the carriage of goods.

Cap. 29. For the further relief of the orphans and other creditors of the city of London; and for other pur-

poles therein mentioned.

Cap. 30. For encouraging the making of indico in the British plantations in America.

Cap. 31. For relief of insolvent debtors.

Cap. 32. For the relief of the annuitants of the wardens and commonalty of the mystery of Mercers of

the city of London.

Cap. 33. To continue and amend feveral laws for the relief of debtors with respect to the imprisonment of their persons; and to rectify a mistake in an act passed in the last fession of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his present Majesty's reign, to prevent the spreading of the distemper a-

mongst the horned cattle.

Cap. 34. To amend and enforce fo much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual difarming the highlands in Scotland, and restraining the use of the highland dreis; and to masters and teachers of private schools and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of epifcopal ministers in Scotland; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practifing in the courts of festion and justiciary, to take the oaths; and to repeal fome clauses in an act made in the first year of the reign of his late majesty King George the First, whereby certain encouragements are given to landlords and tenants in Scotland, who should continue in their duty and loyalty to his faid late Majesty; and for other purpoles therein mentioned.

#### Private Atts.

#### Anno 21 Georgii II.

1. An act for naturalizing Cæsar de Miffy and Charles de Miffy.

2. An act for vesting the settled estate of the right honourable Francis earl Brooke, in the county of Se ton, in trustees, to be fold and laying out the money arinn thereby, in the purchase of other hereditaments of equal or greater alue, to be settled in lieu there f, and for other purposes therein er

3. An act for impowering Granvil Leveson Gower, commonly called lord Trentham, to raise portions for younger children; and also to explain and amend certain powers for making jointures in the fettlement

tioned.



made on his marriage with Elizabetb his late wife.

- 4. An act to enable James Stanley efquire, commonly called lord Strange, eldest son and heir apparent of Edward earl of Derby, and his issue by Lucy his wife (late Lucy Smith) to take and use the sirname of Smith, and bear the arms of Smith and Heriz.
- Jack for vesting the settled estate late of the honourable Robert Bynge esquire, deceased, and Elizabeth his wife, in the county of Hertford, in trustees, to be sold; and for applying the money arising by such sale, for the purposes therein mentioned.
- 6. An act for inrolling the will of George late viscount Lanesborough in the kingdom of Ireland, and making the exemplification thereof evidence in all courts in Great Britain and Ireland.
- 7. An act to confirm and establish an agreement for inclosing and dividing certain common fields in the hamlet of Badbury in the county of Wilts.
- 8. An act to enable Robert Burton, lately called Robert Lingen, and the heirs male of his body, to take and use the surname of Burton only, pursuant to the will of Thomas Burton esquire, deceased.
- 9. An act to enable his Majesty to grant the inheritance of the mapor of Wooking, Chabham, and Bagand and other lands and hereditaments in the county of Surrey, to Abel Walter, esquire, and his heirs.
- Andre, David Andre, and others.
- late Sir George Strode's estates, in the counties of Dorset and Somerset, in the right honourable Francis earl Brooke, as the same is now held and enjoyed by him, pursuant to Sir George Strode's will, and the partition of the said estates made by vir-

tue of a decree of the court of Chancery.

- lands in the parishes of Barking and Dagenham, in the county of Essex, part of the estate of the late Sir Orlando Humfreys baronet, deceased, for the purposes therein mentioned.
- 13. An act for vesting divers manors, lands and hereditaments in the county of Suffolk, late the estate of Thomas Carthew esquire, deceased, in his executors, to enable them to convey the same, pursuant to articles entered into for the purchase thereof.
- of Henry Fleetwood esquire, deceased, in the county of Lancaster, for raising money to discharge the incumbrances affecting the same, and for laying out the surplus of the money arising by such sale, in the purchase of other lands and hereditaments, to be settled to the uses of a former settlement.
- of Thomas Lloyd esquire, and Anne his wife, in trustees, to be sold for discharging incumbrances affecting the same, and for settling other effates to the uses of their marriage settlement.
- 16. An act for vesting the equity of redemption of divers messuages, lands, and hereditaments in King-ston upon Hull, and the county of York, late the estate of George Daw-son esquire, deceased, in Roper Daw-son, his eldest son and heir, upon his undertaking to discharge the several incumbrances affecting the same, and to make a provision for his brothers and sisters.
- 17. An act for confirming an agreement between James Fox and John Bridges esquires, for exchanging certain lands in the parish of Cobham, in the county of Surry, and for rendering the said agreement



more effectual for the purposes

thereby intended.

values of southampton and Surrey, for paying off and discharging several debts and incumbrances, and for settling lands in the country of Somerset, in lieu thereof, to the like uses.

19. An act for vesting the settled estate late of foseph Banks the elder
esquire, deceased, in the parish of
Saint fames, within the liberty of
Westminster, in trustees, in order to
make sale thereof, and for laying
out the money arising by such sale
in the purchase of lands to be settled to the same uses.

ticles of agreement between the creditors of Hugh Naish esquire, and the trustees named in an act of parliament of the eleventh year of his present Majesty, for vesting the real and personal estates of the said Hugh Naish in trustees, for the benefit of his creditors, and for other purpo-

fes therein mentioned.

for explaining and amending other parts of an act passed in the eighteenth year of the reign of his present Majesty, intituled, An act for charging, selling, and applying part of the settled estate of Anthony Keck esquire, for raising money towards the purchase of the manors of Dalby and Broughton in the county of Leicester, contracted for pursuant to the will of Anthony Keck his Grandsather, and for other purposes therein mentioned.

22. An act for sale of part of the eftate late of Corbet Kynaston esquire, deceased, for the payment of debts affecting the same, and for other purposes therein mentioned.

23. An act for raising money out of an estate in the county of Middle-fex, given by Lawrence Sheriff, for

the founding and maintaining a ool and alms-houses at Rugby in the county of Warwick, to be applied in rebuilding the said school, or purchasing one or more messuage or messuages, together with some ground adjoining thereto, and for the better support of the said charity.

24. An act for vesting the estates of Richard Williams a bankrupt (which were settled on his marriage with Sarah Williams his present wise) in the assignees under the commission of bankruptcy awarded against him, to be sold for payment of his debts, and for making a provision for the said Sarah Williams, and her issue, in such manner as therein is mentioned.

25. An act for inclosing, dividing, and exchanging the common fields, common pastures, common meadows, and other grounds, in the manor and township of Faceby in Cleveland, in the north riding of the county of York, and for providing certain recompences to the impropriators and vicar of Faceby, in lieu of tythes.

26. An act to confirm and establish an agreement, for inclosing and dividing a large open common parasture ground called Somergangs, otherwise Somergams, in the parish of Drypool, in the county of York.

27. An act for confirming an lestablishing agreements, for incloing and exchanging lands in Holton in the county of Lincoln, and for rendering the same more effectual for the purposes thereby intended.

28. An act for inclosing certain conmon pasture grounds, within the manors and parishes of Languar and Plesley, and the hamlets of Stoney Houghton and Shirbrook, in the said parishes, in the county of Derby.

29. An act to enable Richard Weddell esquire (lately called Richard



the sirname and arms of Weddell, pursuant to the will of Thomas Weddell esquire, deceased; and for impowering the said Richard Weddell, and those in remainder after him, to make leases of the estates devised to him and them by the said will.

30. An act for naturalizing John Thor-

beeke.

31. An act for naturalizing Peter Neau.

#### Anno 22 Georgii II.

Cap. 1. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine.

Cap. 2. For granting an aid to his Majesty by a land tax, to be raised in *Great Britain*, for the service of the year one thousand seven hun-

dred and forty nine.

Cap. 3. Declaring the authority of the commissioners appointed by his Majesty under the great seal of Great Britain, for receiving, hearing, and determining appeals in

caules of prizes.

Cap. 4. For repairing and widening the road leading from the well at he north-west end of the town or illage of Farnborough in the county of Kent, to a place called Riverbill, in ? parish of Sevenoaks, in the said bunty.

For punishing mutiny and desertion, and for the better payment of the army and their quar-

ters.

C p. 6. For repairing, enlarging, and preserving the harbour of Ellenfoot

the county of Cumberland.

ap. 7. For repairing the road from the West Cowgate near the town of Newcastle upon Tyne, through the west end of Kenton, Pont Eland, Higham Dykes, Newham Edge, Belwy Mill, and South Middleton, to the

north fide of the river Wanspeck, in the county of Northumberland.

Cap. 8. To continue two acts of parliament, one of the first and the other of the ninth year of the reign of his present Majesty, for repairing and enlarging the road leading from the house called The Sign of the Bells, in the parish of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned in the county of Kent; and for rendering the same more effectual.

Cap. 9. For repairing the road from North Shields in the county of Nor-thumberland, to the town of New-

castle upon Tyne.

Cap. 10. For laying a duty of two pennies Scots, upon every Scots pint of beer and ale which shall be sold or vended, brewed, brought in, or tapped for sale, within the town of Anstrutber Easter, and liberties thereof.

Cap. 11. For draining and preserving certain fen lands and low grounds in the several parishes of Sutton, Mepall, Witcham, Chatteris, Dodingdon, and a place called Byal Fen, in the Isle of Ely, and county of Cambridge,; and also in the parishes of Somersham and Pidley with Fenton in the county of Huntingdon.

Cap. 12. For continuing and making more effectual two acts of parlialiament, the one passed in the eleventh year of the reign of his late majesty King George the First, and the other in the third year of the reign of his present Majesty, for repairing the road leading from Sherbrook Hill near Buxton and Chapel in the Frith in the county of Derby, through the town of Stockport in the county of Chester, to Manchester in the county of Lancafter; and for amending other roads adjoining to the road directed to be repaired by the first mentioned act.

Cap. 13. For laying a duty of two pennies



pennies Scots, or one fixth part of a penny sterling, upon every Scots pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kinghorn, and liberties thereof.

Cap. 14. For continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called Kilburn Bridge in the county of Middlesex and Sparrows Herne in the

county of Hertford.

Cap. 15. For enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of Leominster in the county of Hereford; and for making the said act more effectual.

Cap. 16. For draining and improving certain fen lands within the manors and parishes of Upwell and Outwell, and the parishes of Denver and Welney, in the Isle of Ely, and counties of Cambridge and Nor-

folk.

Cap. 17. For effectually amending and repairing the road leading from Wansford Bridge in the county of Northampton, to the town of Stamford in the county of Lincoln.

Cap. 18. For enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing the several roads leading into the city

of Hereford.

Cap. 19. For the more effectual draining and preserving of several fen lands, and field lands, in the bounds and precincts of Whittlesea in the Isle of Ely, in the county of

Cambridge.

Cap. 20. For making more effectual an act passed in the eleventh and twelfth years of the reign of King William the Third, for the better preserving the navigation of the rivers Avon and Froome; and for

cleanfing, paving, and enlightening the streets of the city of Bristol,
so far as the same act relates to the
paving and enlightening the said
streets; and for the regulating
hackney coachmen, halliers, draymen, and carters, and the markets,
and sellers of hay and straw, within
the said city and liberties thereof.

Cap. 21. For explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled, An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the heads, principals, and masters of the universities of Saint Andrews, Glas-

gow, and Edinburgh.

Cap. 22. For the better ascertaining, recovering, and collecting certain duties commonly called petty cuftoms, or whartage, payable upon the importation and exportation of goods and merchandizes into, or out of the harbour of the borough and town of Weymouth and Melcombe Regis in the county of Dorfet; and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of the faid harbour, and for the better repairing and keeping in repair the faid harbour and the wharfs. and other publick buildings and works within the laid borough and town.

Cap. 23. To charge the fink nd with the payment of anny ties, nd discharge of navy, victualling and transport bills, and ordnance debentures, to the amount the sin mentioned.

Cap. 24. For remedying inco er - encies which may happen by p - ceedings in actions on the statute

of Hue and cry.

Cap. 25. To explain and amend so much of an act made in the ninth year of the reign of Queen Anne intituled, An act for establishin a

ger rat



general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; as relates to horses or furniture to be let to persons riding post.

Cap. 26. For repairing and widening the feveral roads leading into the town of Ross in the county of He-

reford.

Cap. 27. For the more effectual preventing of frauds and abuses committed by persons employed in the manusacture of hats, and in the woollen, linnen, suftian, cotton, iron, leather, furr, hemp, flax, mohair, and silk manusactures; and for preventing unlawful combinations of journeymen dyers and journeymen hot pressers, and of all persons employed in the said several manusactures; and for the better payment of their wages.

Cap. 28. For continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King George the First, for amending the several roads leading from the city of r istol; and the other passed in the fourth year of the reign of his present Majesty, to explain and amend the me act; and for making the said

more effectual; and also for re a. og other roads therein men-

tionea.

Cap. 2c. or making an authentick aluation for the shire of

Argyll.

Cap. 30. For encouraging the people known by the name of Unitas Frate, m, or United Brethren, to fettle is hi Majesty's colonies in Ame-

w road from the east end of New Street in the parish of Saint John, Southwark, to and through the several places therein mentioned; for keeping the said road in repair for the future.

Cap. 32. For enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from Borough Bridge in the county of York, through North Allerton in the same county, to Crost Bridge on the river Tees; and from thence through Darlington in the county of Durham, to the city of Durham; and for making the same more effectual.

ap. 33. For amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships,

vessels, and forces by sea.

Cap. 34. For enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, An act for making a new road, and for repairing and amending the ansient road between the towns of Wisbech and March, in the Isle of Ely and county of Cambridge.

Cap. 35. For repairing and widening the road leading from the town of Kingston upon Thamss in the county of Surry, to a place called Sheet-bridge, near Petersfield in the county of Southampton; and also the road from Hindhead Heath, through Fernburst Lane and Midhurst, to the city of Chichester in the county of

Sussex.

Cap. 36. For the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and filver thread, lace, or other work made of gold or filver wire manufactured in foreign parts.

Cap. 37. For the better securing his Majesty's duties arising upon coal, culm, and cinders, exported

beyond fea.

Cap. 38. To prevent the mischiefs which may happen by keeping too great quantities of gunpowder in any



any one place, or carrying too great quantities of gunpowder together

from one place to another.

Cap. 39. For enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from Borough-bridge, in the county or York, to Catherick in the same county, and from thence to Pierse-bridge on the river Tees.

Cap. 40. For enlarging and maintaining the harbour of Ramsgate, and for cleansing, amending, and preserving the haven of Sandwich.

Cap. 41. For rectifying militakes in the names of feveral of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the faid act, to put in execution an act for granting a land tax for the year one thousand seven hundred and forty nine, and for directing the names of collectors of the faid tax to be certified to the receivers general; and for the relief of the borough of Honiton as to arrears of the land tax, and the house and window taxes, for the years one thouland leven hundred and forty feven, and one thousand seven hundred and forty eight.

Cap. 42. For granting to his Majesty the sum of one million out of the sinking sund, for the service of the year one thousand seven hundred and forty nine; and for enabling his Majesty to raise a surther sum of one million for the uses and purposes therein mentioned; and for surther appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of horse guards; and for

continuing the bounties on the exportation of British and Irish linnens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders lost, burnt, or otherwise destroyed

wife destroyed.

Cap. 43. For the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the twelfth year of the reign of his late majesty King George the First, For repairing the roads from the city of Worcester, through the borough of Droitwich to Dyers Bridge near Broinfgrove, in the county of Worcester; and also for repairing the roads from Dyers Bridge through the town of Bromsgrove to Spadesbourn Bridge, and from Droitwich to Bradley Brook, in the same county.

Cap. 44. To enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise

trades.

Cap. 45. For the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the natu alization of such foreign protents as shall serve, for the time in mentioned, on board such fishery.

Cap. 46. To continue se soft for preventing exactions of the occupiers of locks and wears upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river; no for continuing, explaining, and an iding the several laws for the be er regulation of attornies and soil tors; and for regulating the pri e and assize of bread; and for priventing the spreading of the distention of the horsed cattle, and



Ho for making further regulations with respect to attornies and solicitors; and for further preventing the fpreading of the distemper amongst the horned cattle; and for the more frequent return of writs in the counties palatine of Chefter and Lancafter; and for ascertaining the method of levying writs of execution against the inhabitants of hundreds; and for allowing Quakers to make affirmation in cales where an oath is or shall be required.

Cap. 47. For the more easy and speedy recovery of small debts, within the town and borough of Southwark, and the feveral parishes of of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the county of Surry, and the feveral precincts and liberties of

the fame.

Cap. 48. To ascertain and establish the method of proceeding to and upon outlawries for high treason, and misprision of high treason, in Scotland.

Cap. 49. For making a free market for the fale of fish in the city of Westminster; and for preventing the forestalling and monopolizing of fish; and for allowing the sale of ish, under the dimensions menti-

in a clause contained in an the first year of his late Maeign, in case the same are

jesty' ith a hook. taken

For the better repairing the highways, and cleanfing the streets, within the parish of Saint Leonard Shoredith, in the county of Middle-; and for better enlightening the pen piaces, fireets, lanes, passages, courts there; and regulating e nightly watch, and bedels, with-

the faid parish.

ap. 51. For enlarging the terms and powers granted by an act paffed in the twentieth year of the reign of is present Majesty, for repairing L. XIX.

the high road leading from the town of Stockton upon Tees to Darlington, and from thence through Winston to Barnard Castle in the fame county, and for the effectual

amending of the fame.

Cap. 52. For vesting the several estates of James late earl of Derwentwater and Charles Radcliffe deceased, comprized in feveral fettlements therein mentioned, in truftees, for an abiolute estate of inheritance, for the benefit of the royal holpital at Greenwich, and for railing certain fums of money out of part of the laid estates, for the relief of the children of the faid Charles Radcliffe.

#### Private AEIs. Anno 22 Georgii II.

1. An act for enclosing and dividing East Woodhey Down, and the open and common fields of East Woodhey and Hollington in the county of Southampton, purluant to an agreement entered into for that purpose.

2. An act for enabling John Griffin Whitwell equire, and his iffue, to take and use the surname and arms

of Griffin.

3. An act to enable Samuel Grundy (now called Samuel Swinfen) and the heirs male of his body, to take and use the surname and arms of Swinfen.

4. An act for naturalizing Martin Klencke, John James Grand, and

Anthony Columbies.

5. And act for naturalizing Gabriel Guillon.

6. An act for confirming an order and rule of the court of Common Pleas, for affesting certain lands and tenements in the manor of Betlow, to the parochial rates and levies of and in the parish of Tring, in the county of Hertford.

7. An act for confirming and establishing an agreement for dividing and inclosing certain open fields and



and lands in the manors of Wakerley and Wittering, in the county of

Northampton.

8. An act for confirming articles of agreement and award for incloting and dividing the heaths, wastes, fields, and common grounds in the township of Norton juxta Twicross, in the county of Leicester.

9. An act for fettling a certain yearly payment to the rector of Broughton in the county of Bucks, for the time being, in lieu of tythes, and for other purposes therein menti-

oned.

ing a power given by the marriage fettlement of Richard Luther efquire, and Charlotte his wife, and for making the same more effectual for the benefit of the children of that marriage.

mittee of the estate of John Rogers esquire, a lunatick, to make surrenders and leases of the freehold and leasehold estates of the said lu-

natick, during his lunacy.

les Fitz Roy esquire, and Frances his wife, and the issue of her body, to take and use the additional surname, and bear the arms of Scudamore.

13. An act for authorizing and impowering Thomas Harrison to take and use the surname of Kimpson, in performance of a condition contained in the will of Thomas Kimpson clerk, deceased.

14. An act to enable Joseph Foster Barham esquire, and his issue, to take and use the surname of Barham, pursuant to the will of Henry

Barbam esquire deceased.

of Samuel Rash gentleman, with Dorothy Fuller, his now wife, and to enable him to marry again, and for other purposes therein mentioned.

16. An act for naturalizing George William Renner, and Frederick Chriftopher Pritzler.

17. An act for naturalizing Magdalen

Aldworth.

- 18. An act for naturalizing Charles Louis Courant.
- 19. An act for divesting the crown of the reversion in fee simple of and in the manors of Spalding and Holbech, and of several lands, tenements, and hereditaments to the fame belonging, in the county of Lincoln, and of and in a piece or parcel of ground in the parish of Saint Martin in the Fields, in the county of Middle/ex, and the buildings thereon, expectant on certain estates tail, and for vesting the same in certain other persons therein named, to the intent the same may be barred by proper methods in law, for the purpose therein mentioned.
- 20. An act to enable Charles earl of Peterborow, or the other heirs of entail, to fell lands in the counties of Kincarden and Aberdeen, for payment of debts charged thereupon, and other purposes therein mentioned.
- 21. An act to enable the bishop of London, or his successors, to demise or sell the capital messuage or manifon house called London House. for the benefit of the bishop of London.
- 22. An act for applying part of the personal estate of Gilbert late lord bishop of Salisbury, for the purchasing of lands or rents in perpetuity in Scotland, to be settled to several charitable uses and purposes it his will mentioned.
- 23. An act for confirming and of ablishing an agreement between e enry lord Teynham and Sir Fro is
  Curson baronet, for a partition of
  the estate of John Powell esquir,
  deceased, and for rendering the sa d
  agreement more effectual for the
  purposes



purposes thereby intended, and for other purposes therein mentioned.

24. An act for raising money upon the settled estate of William lord viscount Vane, for the payment of his debts.

of part of the fettled estate of Charles lord viscount Fane, in the county of Devon, and in the county of Limerick, in the kingdom of Ireland, for discharging debts and incumbrances; and also for settling another estate in the county of Berks, in lieu thereof; and for securing a rent charge to Mary viscountess Fane, as a compensation for her estate for life, in the premisses in the county of Devon.

26. An act to enable the making of leases and setts of mines of the e-states of Sir Richard Vyvyan baronet, an infant, in the counties of Cornwall and Devon, during his

minority.

- advowson, rectory, woods, lands, and hereditaments, devised by the will of Sir John Williams knight, deceased, for the purposes therein mentioned; and for laying out the money arising by such sale in the purchase of other lands and hereditaments, to be settled in lieu hereof.
- of i "Illiam Levinz esquire, in Bilby, Ri jiby, and Stirrop, in the county of N ttingham, from a yearly payment of thirty pounds given by Sir Creswell Levinz knight, for charitable uses, and for charging the me on his estate at Grove in the ame ounty.

n act for vesting the undivided that part of divers lands and here-ditaments in the county of Sussex, the estate of Ebenezer Marlow, and William Marlow his son, an infant, in trustees, in trust, to sell the same for the purposes therein mentioned.

30. An act for vesting part of the setled estate of Nathaniel Cotton doctor in physick, lying in the county of Hertford, in trustees, in trust, to sell the same, and to lay out the money arising by such sale in the purchase of another estate to be settled to the uses of his marriage settlement.

of the real estate late of John Lockwood gentleman, deceased, in trustees, for the payment of the incumbrances charged upon the same, by virtue of and under his will.

32. An act for sale of part of the settled estate of Nicholas Glynn esquire, deceased, for discharging incumbrances, and for other purposes

therein mentioned.

- 33. An act for vesting the settled estate of Walter Hawksworth esquire,
  in the county of York, in him and
  his heirs, and for settling the manor of Hawksworth in the same
  county, in lieu thereof, to the like
  uses.
- 34. An act for disposing of part of the real estate of William Robinson Lytton esquire, deceased, directed by his will to be sold for raising portions for his daughters, in order to discharge incumbrances affecting the same, and for other purposes therein mentioned.
- 35. An act for fale of part of the eftate of Francis Gwyn esquire, in the
  county of Devon, for raising money
  to discharge his fisters portions,
  and other incumbrances affecting
  the same, and for other purposes
  therein mentioned.
- 36. An act for sale of a messuage, and certain freehold and copyhold lands and hereditaments in Twick-enham in the county of Middlesex, the estate of Mary Middleton widow, and others, and for vesting the money arising thereby, in trustees, for the same uses to which the said estate now stands settled.



37. An act for inclosing and dividing certain commons and wastes, withmen the manor and parish of WatIngton in the county of Norfolk.

An act to enable Robert Lynch efquire, to assume and take upon him

the name of Bloffe.

39. An act for naturalizing Frederick Christopher Kempe.

40. An act for naturalizing Peter Au-

riol.

- 41. An act for sale of several estates in the counties of Mayo and Ros-common, in the kingdom of Ireland, belonging to Henry late lord viscount Dillon, for payment of debts, and other purposes therein mentioned.
- 42. An act for selling the settled estate of Catherine, commonly called lady Lymington, for discharging several debts and incumbrances, and for other purposes therein mentioned.
- 43. An act for sale of part of the settled estate of John Raymond, a bankrupt, and for applying part of the money arising by such sale as part of the said bankrupt's estate, liable to distribution amongst his credi-

tors, and for laying out the refidue in the purchase of another estate, to be settled as therein is mentioned.

44. An act for fale of divers lands and tenements in Twickenham, in the county of Middlesex, devised by the will of Paul Mansfield deceased, pursuant to an agreement for that purpose, and for the benefit of his

grand children.

45. An act for confirming and establishing certain articles of agreement for inclosing and dividing the common fields and common grounds in the tything of Broad Blunsdon in the county of Wilts, and making the same more effectual for the purposes therein mentioned.

of Glaston in the county of Rutland, to the office of master or keeper of the house or college of Saint Peter in the university of Cambridge.

47. An act for authorizing and impowering Thomas Brereton esquire, and his heirs, to take and use the surname of Salusbury.

48. An act for naturalizing Emanue

Bowler.



#### THE

## STATUTES at Large, &c.

## Anno vicesimo GEORGII II. Regis.

A T the parliament begun and holden at West-minster, the first day of December, Anno Dom. 1741, in the sisteenth year of the reign of our sovereign Lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eighteenth day of November, 1746, being the sixth session of this present parliament.

#### CAP. I.

An act for the further continuing an act made in the last session of parliament, intituled, An act to impower his Majesty to secure and detain such persons as his Majesty shall suspect are conspiring against his person and government. EXP.

XIHEREAS a wicked and unnatural rebellion being begun in that part of this kingdom called Scotland, by divers of his N. riesly's subjects, encouraged by his enemies abroad, in order to set pretender upon the throne, to the utter destruction of the protest. it ligion, and the laws and liberties of this free constitution, an act passea in the last session of parliament, intituled, An act to im- 19 Geo. 2. c.t. power hi Majesty to secure and detain such persons as his Maje y mall suspect are conspiring against his person and government; and the faid act is thereby declared to continue until the nineteenth day of April, in the year of our Lord one thousand seven hundred and forty fix : and whereas one other all paffed in the same fef- 19Geo. 2. C.17. fion of parliament, intituled, An act for continuing an act of this pre ent lettion of parliament, intituled, An act to impower his M. By to secure and detain such persons as his Majesty shall suspest ar conspiring against his person and government; whereby it was en-Ed, I hat the faid first mentioned act, and all and every the clauses, provile, privers, and authorities therein contained, should continue ard r main in full force and vigour, from and after the faid nineto net day of April, for and until the twentieth lay of November, year of our Lord one thou, and seven hundred and forty in, and VCL. XIX.



#### Anno vicesimo Georgii II. C. 2, 3. L1747.

no longer: and whereas it is necessary for the publick safety, that the Said first recited att should be further continued: now, for the better preservation of his Majesty's sacred person, and for securing the peace of this kingdom in this particular conjuncture, against all traiterous attempts and conspiracies whatsoever; be it enacted, &.

The first act continued till 20 Feb. 1746.

#### CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty seven. Exp. At 4s. in the pound.

#### CAP. III.

An all for repealing the several rates and duties upon bouses, windows, and lights; and for granting to his Majesty other rates and duties upon bouses, windows, or lights; and for raising the sum of four millions four bundred thousand pounds by annuities, to be charged on the said rates or duties.

7 & 8 W. 3. C. 18. C. 42. 21Geo.2. C.10.

2

WHEREAS by an all of parliament made and passed in the seventh and eighth years of the reign of his late majest Kine seventh and eighth years of the reign of his lete majesty King See 20 Geo. 2, William the Third, of glorious memory, intituled, An act for granting to his Majesty several rates or duties upon houses, for making good the deficiency of the clipped money; it was amongst other things enacted, That for and during the term of Seven years, to commence and be accounted from the twenty fifth day of March, in the year of our Lord one thousand six hundred and ninety six, and no longer, there should be charged, levied, and paid unto his said late Majesty, his heirs and successors, for and upon every dwelling-house inhabited, which then was, or that hereafter should be erected within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the annual or yearly sums therein mentioned; that is to Jay,

> For every such dwelling-house inhabited, then erected. should thereafter be erected, within the Said kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the yearly fum of two shillings.

> And for every such dwelling-house inhabited, having ten windows. or more, and under the number of twenty, the sum of four shillings. yearly, over and above the faid yearly fum of two shillings.

> And for every such dwelling-house inhabited, having twenty windows, or more, the yearly sum of eight shillings, over and above the said yearly sum of two shillings.

> Which said sums of money were, by the said att, directed to be char upon, and paid by the inhabitants or occupiers of fuch dwelling-houses. and not the landlords who lett or demised the same, and were to be raised, levied, collected, answered, and paid unto his Majesty, ot fuch times, and in such manner and form, and by such ways and means,



#### 1747.] Anno vicesimo Georgii II. c. 3.

and under fuch penalties and forfeitures, and applied to fuch uses and purposes, as are mentioned and prescribed in the said act: and whereas by one other all paffed in the eighth and ninth years of the reign of his faid late Majesty, (intituled, An act for making good the deficiencies of feveral funds therein mentioned, and for enlarging the capital stock of the bank of England, and for raising the publick credit) the said rates and duties granted by the before recited act, were continued until the first day of August, one thousand seven bundred and fix, and by one other all passed in the first year of the reign of her late majesty Queen Anne, (intituled, An act for mak- 1 Annæ, ft. 1. ing good deficiencies, and for preciving the publick credit) c. 13. the faid rates and duties upon house. ranted and continued by the two alls of parliament before recited, were further continued until the first day of August, one thousand seven hundred and ten; and by one other all made and passed in the fifth year of the reign of her Said late majefly Queen Anne, (intituled, An act for continuing 5 Anne, c. 134 the-duties upon houses, to secure a yearly fund for circulating exchequer bills, whereby a fum not exceeding fifteen hundred thousand pounds is intended to be raised for carrying on the war, and other her Majesty's occasions) the said rates and duties upon boufes, granted and continued by the several acts before recited, were made perpetual for the uses and purposes therein mentioned, subject to redemption by parliament, and divers provisions and directions are contained in the feveral before recited acts, for raising, levying, colletting, and paying the said rates and duties, and for applying the fime to the uses and purposes specified in the said acts: and whereas by an act paffed in the eighth year of the reign of her said late maje-My Queen Anne, (intituled, An act for continuing part of the du- 8 Anne, ci 4 fles upon coals, culm, and cinders, and granting new duties ppon houses having twenty windows or more, to raise the sum of fifteen hundred thousand pounds, by way of a lottery, for the fervice of the year one thousand seven hundred and ten) if amongst other things enacted, That for and during the term of two years, to be accounted from the twenty ninth day of Septhir me thousand seven hundred and ten, there should be charged, "Aled, levied, and paid unto her Majesty, her beirs and fucteffors, or and upon every dwelling-house inhabited, that then was, or thereafter should be erected or built within the kingdom of Great Britain, having twenty windows, or more, and under thirty windows, the yearly sum of ten shillings; and for every such dwelling-house having thirty windows, or more, the yearly sum of twenty shillings: which said new or additional duties, as to such houses as are in England, Wales, or the town of Berwick upon Tweed, were directed to be paid by the respective occupiers or inhabitants of such dwelong-houses, over and above the several duties amounting to ten shillings per annum, chargeable upon houses there, by virtue of former acts of parliament in that behalf: and by one other act made and paffed in the fifth year of the reign of his late majesty King George 5 Geo. 1. c. 194 the First, of glorious memory, (intituled, An act for redeeming the fund appropriated for payment of the lottery tickets which were made forth for the service of the year one thousand seven hundred



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dred and ten, by a voluntary subscription of the proprietors into the capital stock of the South Bea company; and for raising a facts of money to pay off such debts and incumbrances as are therein mentioned; and for appropriating the supplies granted in this feffion of parliament; and to limit times for projecutions upon bonds for exporting cards and dice) the faid new or additional duties upon houses were made perpetual, for the uses and purposes therein mentioned, subject to redemption by parliament; and divers provifions and directions are contained in the o last recited asts, for the raifing, managing, collecting, and paying the faid additional duties, as in and by the said acts, relation being thereunto had, may more fully appear: and whereas the remembe arifing by the faid feveral and respective rates and duties upon houses hath for some years past greatly decreased, and the same is still likely to diminifo; we your Majetty's most dutiful and loyal subjects, the commons of Great Britain, Amended by 20 in parliament affembled, think it will be for the advantage of 22Geo. 2. c. 10. the publick to repeal the present rates and duties upon houses, and in lieu thereof to grant unto your Majesty the several new rates and duties herein after mentioned, as well for fecuring a certain fund for payment of fuch incumbrances as are now charged upon the faid rates and duties upon houses, as to enable your Majesty to raise a certain sum of money towards the supply for the fervice of the year one thousand seven hundred and forty seven; and therefore do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent made jesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this prefent parliament affends The rates up- bled, and by the authority of the same, That from and after the twenty fifth day of March, which shall be in the year of our on houses to. cease from 25 Lord one thousand seven hundred and forty seven, all the rates March, 1747. and duties, and additional rates and duties upon houses, gianted, continued, and made perpetual by the feveral acts of parliament herein before recited, shall cease, determine, and be no longer paid or payable; and that then and from thenceforth the the powers and authorities given or granted by the faid acts, fo far as the same relate to levying, seeuring, coll recovering the faid rates and duties upon houses, and all penalties and forfeitures relating thereto, shall also cease, determine, and not be put in execution; fave only and except in all cales relating to the recovering any arrears, which may at that time remain unpaid, of the faid rates and duties upon houses, or to any penalties or forfeitures in respect thereof which shall have

Arrears, &c. recoverable.

Geo. c. 41.

flanding. II. And be it further enacted by the authority aforesaid, That from and after the faid twenty fifth day of March, one thoufand seven hundred and forty meven, there shall be charged. raised, levied, and paid unto his Majesty, his heirs and succes-

arisen or grown due and payable to his Majesty, or may have been incurred, upon or at any time before the laid twenty-fifth day of March, one thousand seven hundred and forty seven : any thing herein before contained to the contrary notwith-

The rates laid upon houses by this act,

#### Anno vicesimo Georgii II. C. 3. 1747.

fors, the several rates and duties upon houses, windows, or lights, herein after mentioned; that is to fay,

For and upon every dwelling-house inhabited, which now is, or hereafter shall be erected within that part of Great Britain

called England, the yearly sum of two shillings.

And for every window or light, in every dwelling-house within and throughout the whole kingdom of Great Britain, which shall contain ten, eleven, twelve, thirteen, or fourteen windows or lights, the yearly fum of fix pence for every window or light in fuch house.

And for every window or light, in every dwelling-house as aforesaid, which shall contain fifteen, sixteen, seventeen, eighteen, or nineteen windows or lights, the yearly fum of nine pence for

each window or light in such house.

And for every window or light, in every fuch dwelling-house as aforesaid, which shall contain twenty windows or lights, and upwards, the yearly sum of one shilling for each window or light in such house as aforesaid.

III. Provided nevertheless, and it is the true intent and mean- to be paid ing of this act, that the faid feveral and respective yearly sums over and abefore charged upon every window or light, contained in every of 25. on dwelling-house in England as aforesaid, shall be paid over and houses. above the faid duty of two shillings upon houses before mentioned; which said several rates and duties by this act granted as aforesaid, shall be appropriated to the several uses and purposes herein after mentioned, subject nevertheless to the proviso or condition of redemption herein after contained in that behalf.

IV. And be it further enacted by the authority aforesaid, Rates to be That the said rates and duties by this act granted as aforesaid, paid quartershall be paid quarterly, at the four most usual feasts or days of ly. payment in the year; that is to fay, the feafts of the nativity of Sant John the Baptist, Saint Michael the Archangel, the birth ord Christ, the annunciation of the blessed virgin Mary, nd equal portions; the first payment thereupon to be by. made at the feast of the nativity of Saint John the Baptist, which shall be in the year of our Lord one thousand seven hundred and forty feven.

V. And be it further enacted by the authority aforefaid, That Charged only the rates and duties by this act granted as aforesaid, shall be upon the techarged only upon the inhabitants or occupiers for the time be- nant. ing of the respective dwelling-houses, in which such windows or lights are contained, his, her, or their executors or admini-Arators respectively, and not on the landlord who lett or demited the same, except in such case as is in this act hereaster men-

tioned.

VI. And be it further enacted by the authority aforesaid, Commission-That for the better execution of this act, and for the ordering, tax to be comraifing, collecting, levying, and paying of the feveral fums of millioners for money hereby granted, all and every the persons named or ap-this act. pointed, B 3

5

Commissioners to divide themielves,

Timeand

millioners

meeting.

and iffue preors, Ac.

fixed for bringing certificates, &c.

pointed to be commissioners for putting in execution an act of this present session of parliament (intituled, An ast for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty seven) or by any other act or acts of parliament thereby referred unto, or who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament for granting an aid to his Majesty, his heirs or successors, by a land tax in Great Britain, shall be commissioners for putting in execution this present act, and the powers therein contained, in all and every the respective counties, shires, stewartries, ridings, cities, boroughs, cinque-ports, towns, and place respectively, within Great Britain as aforesaid; which said commissioners, in order to the speedy execution of this act, shall, in their respective counties, thires, flewartries, ridings, cities, boroughs, cinqueports, towns, and places for which they are appointed commiftioners respectively, meet together at the most usual or common place of meeting, within such of the said counties, shires, stewartries, cities, boroughs, cinque-ports, towns, and places replace of com- spectively, on or before the eighteenth day of April, one thoufand seven hundred and forty seven; and in like manner to meet yearly, and every year, at such day or time as shall be appointed for the first general meeting of the commissioners, to be appoint ed by any future act or acts of parliament for granting an aid to his Majesty by a land tax, or on such other day as the said commissioners shall think proper to appoint before the thirtieth day of April yearly; and the faid commissioners, or so many of them as shall be present at the first general meeting, or the major part of them, may, by their confents and agreements, divide, as well themselves as other the commissioners not then present for the execution of this act, in hundreds, lathes, wapentakes, rapes, wards, towns, and other places within their limits, privileged or not privileged, in such manner as to them shall seem meet; and shall direct their several or joint precept or precepts to seh cepts to affest inhabitants, and such number of them as they in their tion shall think most convenient to be presentors and requiring them to appear before the faid commissione at wich time and place as they shall appoint, not exceeding ten days: and at such their appearances, the said commissions, or sa many of them as shall meet, shall openly read, or cause to be read unto them, the several rates and duties in this act mentioned, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their certificates and affestments according to the several rates aforesaid: Bay to be pre and shall then and there prefix another day for the said persons to appear before the said commissioners, and bring in their certificates in writing under their hands, to be verified upon their oaths, and not otherwise, of every dwelling-house inhabited and charged by this act, within the limits of those places for which they are to act, and of the number of windows or lights in each house, together with the names and arnames of the

#### 1747.] Anno vicesimo Grorgii II. c. 3.

feveral occupiers or inhabitants of each respective dwelling-house, and of the several sums of money they ought to pay by virtue of this act, without concealment or favour, upon pain of forfeiture of any fum, not exceeding five pounds, nor less than forty shillings, to be levied as by this act is appointed, and shall also then return the names of two or more able and sufficient Persons to be persons, within the bounds or limits of those parishes or places returned for where they shall be affestors respectively, to be collectors of the collectors, several rates and duties granted to his Majesty by this act, for whose paying unto the receiver general now appointed, or for the time being to be appointed by his Majesty, or by the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury for the time being, his deputy or deputies, in manner following, such money as they shall be charged withal, the parish or place by whom they are so employed shall be answerable; and every the parish anaffessor, so as aforesaid appointed or to be appointed, shall, be-swerable for fore he take upon him the execution of the faid employment, them. take the oaths mentioned and required to be taken by an act take the made in the parliament held the first year of the reign of King oaths. William and Queen Mary, intituled, An all for abrogating the eaths of allegiance and supremacy, and appointing other oaths, which oaths any three or more of the commissioners in the county, thire, stewartry, city or place where the said assessment is to be made, have hereby power, and are hereby required to administer, as also all and every such other oaths, as are by this act required to be taken by any officer or person whatsoever.

VII. And be it further enacted by the authority aforesaid, The rates to That the rates and duties charged by this act shall be ascertain-beascertained, ed, and the certificates thereof returned to the said commission- and certifiers, on or before the fourth day of June yearly; and upon the cates returned by 4 June delivery and return of such certificates or affessments unto the yearly. faid commissioners, they, or any three or more of them, shall, at least ten days before any of the rates and duties by this act granted shall become due and payable, issue out and deliver their warr ts or estreats, under their hands and seals, to such col- Commission. lectors a aforesaid, for the speedy collecting and levying of the ers when to said rates and duties, as they shall respectively become due and warrants, payable, and all monies and rates due thereupon, according to the intent and directions of this present act; of all which the and collectors faid collectors are hereby required to make demand of the parties to make dechargeable therewith, or at the places of their last abode, with- mand of the in ten days after the said duties hereby granted shall respectively rates, &c. become due and payable, and upon payment thereof, to give acquittances under their hands (without taking any thing for fuch acquittances) unto the feveral persons who shall pay the same; and that such acquittances shall be a full and perfect discharge to every such person who shall pay the same, against his Majesty, his heirs and successors; and the said collectors are Collectors hereby required to pay in all such sums of money as they shall when to pay receive, within twenty days after the receipt thereof, at such place in the monies.

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tries,

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Commissioners to halten and to diffrain in case of nonpayment.

as the commissioners shall appoint, unto the respective receiver general, his deputy or deputies, who are hereby impowered and required to call upon and haften the collectors to make the faid payment; and in default of fuch payment to levy, by warrant under the hands and feals of any three or more of the comthe collectors, missioners, upon the collectors, by distress and sale of his or their goods and chattels, such sum and sums of money as he hath received, and as ought by him to have been paid, and is not paid by reason of his failure in doing his duty, according to the direction of this act.

Collectors to their aileiiments and collections to the commifmoners,

VIII. And be it further enacted, That for the better charggive copies of ing the duties arifing by this act, the collectors of the faid duties shall cause a copy of the respective assessments given to them, and of the collection made by them, for such division, parish, or place for which they were appointed collectors respectively, to be fairly written and figned by them, but with such alterations therein as shall be necessary, by reason of any new houses erected or the number of windows in any house being increased, or by reason of the change of inhabitants or occupiers of any house, or otherwise, or a true duplicate thereof, signed as aforesaid, to be delivered unto three or more of fuch commissioners for the respective counties, shires, stewartries, ridings, cities, towns, divisions, or places for which they were appointed collectors, respectively, within the space of ten days after the first meeting of the commissioners yearly.

Commissionthe certificates, &c.

IX. And be it further enacted by the authority aforesaid, er to examine That the faid commissioners, or any three or more of them, shall, and they are hereby authorized and required strictly to peruse the certificates or assessments, which by this act are before directed to be annually delivered to them, and also to evamine the affestors and presentors thereof; and if the said commissioners, or any three of them, within their feveral limits or divisions, shall, at the time of the delivery of such certificates or assessments, or within ten days after, have certain knowledge or cause to suspect that any dwelling-house or houses, or the of any persons which ought to be charged by this act, ar omitted in the faid certificates, or the full number of windows in any house not set down, or that any dwelling-house is under-charged, or not duly charged, according to the directions of this act, the faid commissioners, or any three of them, shall have power to fummon the person or persons inhabiting such dwelling-house to appear before them at a day and place to be prefixed, to be examined touching the rates and duties aforesaid, or touching other matters which may any way concern the premisses; and if moned not ap- any person or persons summoned to be so examined shall neglect to appear, not having a reasonable excuse for such his default. every person so making default shall pay unto his Majesty double the fum of the rate he should or ought to have been set at; and moreover the said commissioners, to whom such certificates or asfessments shall be delivered, or any three of them, or any other three commissioners of the respective counties, thires, or stowar-

and on fuspicion of wrong charge, to 1ummon the occupier.

Perfon fumpearing, to pay double rate.



tries, where such assessment shall be made, shall have power, and are hereby required, by all lawful ways and means, to ex- Commissionamine and enquire into and concerning the number of windows ers to examine or lights in any dwelling-house thereby charged, or of any dwell. into the numing-house omitted to be charged, and thereupon to enlarge, al- dows charged, ter, abate, or diminish the said assessments so delivered to the and settle the faid commissioners, so that such rate or rates may be set and rates. imposed upon every such dwelling-house as shall be according to the true intent and meaning of this act; and the faid commif- Commissionfioners, or any three or more of them, shall, after such perusal ers to sign the and examination thereof, set their hands to the said respective as- assessments, fessments, testifying their allowance thereof, and shall likewise and nominate nominate and appoint two of the persons named in the said certificate or assessment to be collectors, or any other two such perfons as they shall think able and responsible, for the respective divisions and places for which they were so presented; and shall forthwith deliver, or cause to be delivered, such assessment so by them allowed of, unto the respective persons by them nominated to be collectors for the year enfuing, who are hereby strictly enjoined and required to collect and pay the several rates and duties so rated and assessed, and to give acquittances according to the directions herein before contained for and touching the collectors of the said duties hereby granted, and under the several penalties and forfeitures hereby inflicted upon collectors for neglect or non-performance of their duty.

X. And be it enacted, That the commissioners for putting Commissionthis act in execution, shall cause true duplicates of the said affest- ers to give in ments to be made out, within three months at farthest after the duplicates to twenty fifth day of March yearly (the appeals being first heard general. and determined) and delivered unto the respective receivers general, and also transmitted into the offices of the King's remembrancer, in the exchequer in England and Scotland respectively; for which duplicates the proper officers shall give acquittances gratis, so as every of them may be duly charged to answer their respe? ve collections and receipts; and that the said duplicates Duplicates to shall be made for the same hundreds, wards, parishes, or places, contain the for which distinct duplicates are and have been usually made out affestors and for the land tax; and that in every such duplicate, the said names. commissioners shall cause to be inserted the names and sirnames of the several assessors and collectors for every such hundred, ward, parish, or place as aforesaid; and that the respective re- Receivers geceivers general shall pay the several sums of money, by them neral to pay received by virtue of this act, into his Majesty's receipt of ex- the monie chequer, by quarterly payments, upon the several days herein quarterly into before appointed for payment thereof, or within forty days after; the excheand in case any such receiver general or his deputy, shall pay quer, &c. any part of the monies, paid to him or them by any collector by virtue of this act, to any person or persons whatsoever, other than into the receipt of his Majesty's said exchequer, and at or within the respective times limited by this act (except the necessary charges of receiving, levying, managing, paying, and

accounting

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Surveyors making wrong charges, &c.

&c.

Allowance to mig, &c. the taxes.

The rate to he levied by distress, &c.

Houses may by warrant;

accounting for the same, as is herein after directed) then such receiver general shall, for every such offence of himself, or his Penalty 5001. deputy, forfeit the sum of five hundred pounds to him or them that shall sue for the same in any court of record, by bill, plaint, or information, wherein no effoin, protection, or wager of law is to be allowed; and that if any surveyor of the said rates and duties, appointed or to be appointed as aforefaid, shall knowingly or wilfully, through favour or malice, under-rate or overrate, or omit to charge any person or persons, liable to the payment of the rates and duties by this act granted, or shall be guilty of any corrupt or illegal practices in the execution of his office, such surveyor shall, for every such offence as aforesaid, to forfeit rool. forfeit the sum of one hundred pounds, and be dismissed from his faid employment.

XI. And be it further enacted, That every receiver general the feveral of- shall have an allowance of two pence in the pound, for all moficers for levy- nies which shall be by him paid into the receipt of the exchequer, and that every collector shall have three pence in the pound for what money he shall pay to the receiver general, his deputy or deputies; and that for the careful writing and transcribing the faid affesiments, warrants, estreats, and duplicates in due time, the clerks of the commissioners who shall respectively perform the same, shall, by warrant under three or more of the commisfioners hands, have and receive from the respective receivers general, their deputy or deputies, three halfpence in the pound of all such monies as he shall have received by virtue of such warrants or certificates, who is hereby appointed and allowed to pay the same accordingly; provided the said warrants or estreats he made out, and the duplicates delivered to the faid receiver general, and into the respective offices of the King's remembrancer. as aforesaid, within the times limited by this act, and not otherwife; and if any person or persons shall refuse to pay the several fum and fums appointed by this act for fuch person to pay, upon demand made by the officer or collector of the place, according to the precept or estreats to him delivered by the commissioners appointed by this act, it shall and may be lawful to and for such officer and collector, who are hereby thereunto auth rized and required, for non-payment thereof, to distrain the person or perfons fo refusing, by his or their goo is or chattels, and the distress so taken to keep by the space of four days at the costs and charges of the owners thereof; and if the faid owners do not pay the respective sums of money due by this act within the said four days, then the faid distress to be appraised by two or more of the inhabitants where the faid distress is taken, and there to be fold by the faid officer, for payment of the faid money, and the overplus coming by the faid fale (if any be) over and above be broke open the charges of taking and keeping the faid diffress, to be immediately restored to the owner thereof; and moreover, it shall and may be lawful to break open (in the day-time) any house, upon warrant, under the hands and feals of three or more of the said commissioners, calling to their assistance the concable, tythingman,

II



#### Anno vicesimo Georgii II. c. 3. 1747.]

tythingman, or headborough, within the counties, shires, stewartries, cities, towns, and places where any refusal, neglect, or refistance shall be made; which said officers are hereby required to be aiding and affifting in the premisses, as they will answer the contrary at their peril; and if any person or persons appointed to pay any of the duties charged by this act, shall refuse or neglect to pay the faid fum or fums so appointed to be paid, by the space of twenty days after demand, as aforesaid, where no sufficient distress can or may be found, whereby the same may be and for want levied, in every such case, three or more of the commissioners of distress, the by this act appointed, for any such city, county, or place, are person to be hereby authorized by warrant under their hands and feals, to commit such person or persons to the common gaol, there to be kept without bail or mainprize, until payment shall be made.

XII. And be it further enacted by the authority aforesaid, Notice to be That the faid commissioners, or any three or more of them, given to the shall, and they are hereby required to give the collectors of the time and faid rates and duties hereby granted, notice at what time or place of aptimes, place or places, the appeals of any person or persons, peals. who shall think themselves aggrieved, by being over-rated by the said assessors, may be heard and determined; which day or days of appeal, so to be appointed by the said commissioners, shall be within thirty days from the respective quarterly days by this act appointed for payment of the said rates and duties; and Collectors to every such collector is hereby also required, within ten days after give notice in such notice from the said commissioners, to cause publick notice the church. to be given in every parish church or chapel of ease belonging to any such parish within his district or division, immediately after divine service, on the Lord's day (if any such divine service shall be performed there within that time) of the time and place so appointed by the said commissioners for hearing and determining appeals, as aforesaid; and shall also cause the like no- Noticest be tices to be fixed in writing upon the door of each of the faid fixed on the respective parish churches, or chapels of ease belonging to any doors of fuch parishes, on the same day, that all persons who shall think churches. themselves over-rated may know when and where to make their appeal to the faid commissioners; and the said commissioners, or Commissionany-three or more of them, shall examine the parties complain- ers to exaing, upon his or her oath, concerning the number of windows or mine upon lights in the dwelling-house or houses for which he or they is or oath, &c. are respectively charged; and upon due examination or knowledge thereof, shall abate, defalk, encrease, or enlarge the faid affessment; and the same so encreased or enlarged, on non payment thereof, shall be estreated by them into the exchequer in manner aforefaid; and every person so intending to appeal to the said commissioners shall and is hereby required to give notice Appellant to thereof in writing to one or more of the affestors of the parish give affestors wherein he is rated, of such his intention to appeal, that such affessor or affessors may then and there attend to justify the said affeffment.



Appeals once heard, to be final.

XIII. And it is hereby declared, That all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals as aforefaid, shall be final, without any further appeal upon any pretence whatfoever.

No perfons to be exempted.

XIV. And be it further enacted by the authority aforesaid, That no letters patents granted by the King's majesty, or any of his royal progenitors; or to be granted by his Majesty to any person or persons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments, or aids, shall be construed or taken to exempt any person or persons, city, borough, or town corporate, or any the inhabitants of the same, from the burden and charge of any fum or fums of money granted by this act, and all Non-obstantes, in such letters patents, made or to be made in bar of any act or acts of parliament for the supply or affistance of his Majesty, are hereby declared to be void and of none effect; any such letters patents, grants or charters, or any clause of Non-obstante, or other matter or thing therein contained, or any law or statute to the contrary notwithstanding.

Parents, &c. of minors made liable, &cc,

XV. And be it further enacted by the authority aforesaid, That where any person or persons, chargeable with any rates or affessments by this act imposed, shall be under the age of one and twenty years, in every such case the parents, guardians, and tutors of such infants respectively, upon default of payment by fuch infants, shall be, and are hereby made liable to, and charged with the payments which such infant ought to have made; and if such parents, guardians, or tutors shall neglect or resuse to pay as aforesaid, it shall and may be lawful to proceed against them, in I ke manner as against any other person or persons making default of payment, as herein before is mentioned; and all parents, guardians, and tutors making payment as aforefaid, shall be allowed all and every the sums paid for such infants upon his or their accounts.

Collectors, on non-payment of monies,

collector that shall, by virtue of this act, be appointed for the receipt of any sums of money thereby to be assessed, shall neglect or refuse to pay any sum or sums of money which shall be by him received as aforesaid, and to pay the same as in and by this act is directed, and shall detain in his or their hands any money received by them, or any of them, and not pay the same at such time as by this act is directed, the commissioners of each sioners to com- county, shire, stewartry, riding, city, or town respectively, or any three or more of them, in their respective divisions are hereby authorized and impowered to imprison the person, and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal of such collector to him belonging. or which shall descend or come into the hands or possession of his heirs, executors, or administrators, wheresoever the same can be discovered and found; and the said commissioners who

XVI. And be it further enacted and declared, That if any

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Anno vicesano Geokom II. c. 3.

shall to seize and secure the estate of any collector or collectors, Commissionthall be, and are hereby impowered to appoint a time for a ge-ers to appoint meral meeting of the commissioners for such county, thire, neral meeting, flewartry, riding, city, town or place, and there to cause pub- &c. lick notice to be given of the place where such meeting shall be appointed, ten days at least before such general meeting; and the commissioners present at such general meeting, or the major part of them, in case the monies detained by any such collector or collectors be not paid or fatisfied as it ought to be, according to the directions of this act, shall be, and are hereby impower- and to make ed and required to fell and dispose of all such estates which shall sale of the be for the cause aforesaid seized and secured, or any part of them, estates. to fatisfy and pay into the hands of the receiver general the fum that thall be to detained in the hand of such collector or collectors, their heirs, executors, or administrators respectively.

XVII. And be it further enacted, That in all privileged and In privileged other places being extraparochial, and not within the constable- places the wicks or precincts of the respective assessors to be appointed by commissioners virtue of this act, the faid commissioners, or any three or more assessors, of them, shall, and they are hereby required to nominate and appoint two fit perfore, living in or near the faid privileged or other places as aforefaid, to be affeffors for the faid places, and to make and return their faid affeliments, in like manner as by this act is appointed in any parish, tything, or place; and also and collectors. to appoint two or more collector or collectors, who are hereby required to collect and pay the same, according to the rates appointed by this act, for collecting and paying all fums of money

payable by this act.

XVIII. Provided also, That no person inhabiting in any city, None obliged borough, or town corporate, shall be compelled to be an affessor to collect, or collector of or for any part of the rates and affestments here- &c. out of the by granted in any place or places out of the limits of the faid limits.

city, borough, or town corporate. XIX. And be it further enacted by the authority aforesaid, Commission-That the commissioners that shall be within any county, shire, ers to assess flewaitry, city, or place within the respective limits, or the ma- commissionjor part of them, shall rate and assess every other commissioner ers and assesjoined with them for or in respect of the rates and duties hereby granted, so as the residence and usual dwelling-place of such commissioner so to be affested, be within the division of such commissioners by whom he is affested; and the commissioners within their division shall also assess every affessor, for all and fingular the premisses for which by this act he ought to be rated and affested; and as well all sums affested upon every the faid commissioners and affeifors, as affeilments made and let by the affestors aforesaid, shall be levied and gathered as the same frould and ought to have been, if such persons had not been named commissioners.

NX. Provided also, and be it further enacted, That no stay No stay of of profecution, upon any command, warrant, motion, or order profecution or direction by Wen wait ulterius projequi, thall be had, made, admitted,

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mitted, received, or allowed by any court whatfoever, in any fuit or proceeding, by action of debt, bill, plaint, or information, or otherwise, for the recovery of all or any the pains, penalties, or forfeitures upon any person or persons by this act inflicted, or therein mentioned, for or in order to the conviction

Commissionfons refuling to do their duty.

Commissioners to call for the receivers general accounts;

Commissionto have no voice in con-

be determined by the commissioners.

Collectors to give in a schedule of arrears, &c.

into the exchequer, &c.

or disability of any person offending against this not. XXI. And be it further enacted, That if any affessor, colers to fine per- lector, or other person appointed by the said commissioners, shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, the said respective commissioners, or any three or more of them, may and shall, by virtue of this act, impose on such person or persons so refusing or neglecting their duties, any fine not exceeding the sum of twenty pounds, nor less than five pounds for any one offence; the same to be levied and certified as aforesaid, and given in charge to the respective receivers general amongst the rates aforesaid; and the faid commissioners, or any three or more of them, may and shall, from time to time call for, and require an account from the respective receivers general, of all the monies received by them of the said collectors, and of the payment thereof into his Majesty's exchequer, according to the directions of this act; and in case of and in case of a failure in the premisses, the said commissioners, failure to levy. or any three or more of them, are hereby required to cause the fame to be forthwith levied and paid according to the true intent and meaning of this act; and in case of any controversy arising ers concerned between the said commissioners concerning the said rates or assessiments, the commissioners that shall be concerned therein troversies, &c. shall have no voice, but shall withdraw during the debate of such controversy until it be determined by the rest of the commission-Complaints to ers; and all questions and differences that shall arise, touching any of the faid rates and duties, shall be heard and finally determined by three or more of the commissioners, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or fuit in law; and the faid receiver general, his deputy or deputies, shall give acquittances gratis to the said collectors, for all monies by them received in pursuance of this act; which acquittances shall be a full discharge of the said collectors respectively; and the said collectors shall make and deliver to the said receivers general, their deputy or deputies, a perfect schedule fairly written in parchment, under their hands and feals, figned and allowed by any three of more of the said respective commissioners, containing the names. firnames, and places of abode of every person within their respective collections, that shall make default of payment of any of the sums that shall be rated or affessed on such person, for fuch rate or duty by virtue of this act, and the fum and fums to be returned charged on every such person; the same to be by him returned into his Majesty's said courts of exchequer in England, and Scotland respectively, whereupon every person so making default of payment, may be charged by process of court, according to the course thereof in that behalf; and all and every the proper officers



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respectively herein concerned, shall, and they are hereby required to take care, from time to time, that such process be duly issued and made effectual, so that all such sums as shall be in arrear and unpaid as aforesaid, may be speedily recovered and

paid into his Majesty's exchequer.

XXII. Provided always, and be it enacted, That all con- Conftables, stables and headboroughs, tythingmen and other his Majesty's &c. to assist. officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such precepts or warrants as shall be to them directed in that behalf, by the respective commissioners

hereby appointed, or any three or more of them.

XXIII. And be it further enacted by the authority aforesaid, Collector to That all monies due and payable by this act, shall be paid by pay to the rethe particular collectors of the respective counties, shires, stew- ral, &c. artries, cities, boroughs, towns, parishes, and places who shall collect the same, unto such receiver general, to be appointed as aforesaid to receive the same, or the deputy or deputies of fuch receiver general, to be appointed under his hand and feal, whereof notice shall be given by the receiver general unto the commissioners, or any three or more of them, within their respective divisions, within twenty days after their first general meeting, and fo, from time to time, within twenty days after every death or removal of any deputy, if any fuch shall happen; and the receipt of such receiver general, his deputy or deputies, or any of them, shall be a sufficient discharge unto every such collector.

XXIV. And be it further enacted, That the particular col- Collectors not lectors, for payment of any sums by them received, unto such togo above to receiver general, or his deputy, shall not be obliged to travel miles to make

above ten miles from the place of their habitations.

XXV. And for the better preventing such unjust vexations, as might be occasioned by such persons as shall be appointed receivers general of any of the fums of money granted by this act, and to the intent the receivers general may return a true account into his Majesty's said courts of exchequer in England and Scotland respectively, of such sums of money as shall be received by them and every of them, their and every of their deputy and deputies; be it further enacted by the authority aforesaid, That if any such receiver general shall return or certify unto the Receivers gefaid courts, any sum or sums of money to be in arrear or unpaid, neral setting after the same have been received either by such receiver general, persons infuor his deputy or deputies, or any of them, or shall cause any per, &c. person or persons to be set insuper in the said courts, for any sum or fums of money that hath been so received, that then every fuch receiver general shall forfeit to every person and persons that shall be molested, vexed, or damaged, by reason of such unjust certificate, return, or setting insuper, double the damages to forfeit that thall be thereby occasioned; the said damages to be recover- double da. ed by action of debt, bill, plaint, or information; in which no mages; effoin, protection, or wager of law shall be allowed, nor any

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and to the King double the fum.

Receivers chargeable with the arrears of their accounts, &c.

more than one imparlance; and shall also forfeit to his Majesty, his heirs and focceffors, double the fum that shall be so unjuk-

ly certified or returned, or caused to be set insuper.

XXVI. And it is hereby provided, declared, and enacted by the authority aforesaid, That no receiver of any the rates and duties granted by this act, or any heirs, executors, or administrators of fuch receiver, shall, in any accounts of the monies wherewith fuch receiver shall be chargeable (unless such account be declared and passed in the exchequer, within two years at the farthest after the end of the year for which such rates and duties shall be payable) be allowed or admitted to set insuper, or charge any county, division, or place, for any monies granted by this act, which shall be in arrear and unpaid, but that the same shall remain a debt upon every such receiver, to be answered by him and his securities, his and their heirs, executors, and administrators, lands, tenements, goods, and chattels respectively; any thing herein contained to the contrary notwithstanding.

Commission. ers exempted from the penalties of 25 Car. 2. C. 2.

XXVII. And be it further enacted by the authority aforefaid, That no commissioner or commissioners, who shall be employed in the execution of this act, shall be liable for or by reason of such execution, to any of the penalties mentioned in an act made the five and twentieth year of King Charles the Second, for preventing of dangers which may happen from popish reculants.

Penalties how to be levied.

XXVIII. Provided always, and be it enacted, That all penalties and forfeitures, to be incurred for any offences against this act, for which there is no particular way of levying herein before prescribed or appointed, shall be levied by warrant under the hands and feals of three or more of the respective commisfioners of the division or place where any such offence was or shall be committed, by distress and sale of the goods of the offender, rendering the overplus to the owner thereof after a deduction of reasonable charges for distraining the same.

Houses exempted.

XXIX. Provided always, and be it further enacted and declared, That fuch dwelling-houses only where the occupier or occupiers thereof, by reason of his, her, or their poverty only is or are exempted from the usual taxes, payments, and contributions towards the church and poor, shall be construed or understood to be excepted out of this act, or discharged of the rates and duties hereby granted, and that only in such cases where the dwelling-houses so occupied are cottages, noticontaining above nine windows or lights in the whole; any thing herein contained to the contrary notwithstanding.

Surveyors and inspectors to be appointed.

XXX. And for the better ascertaining and collecting the said several rates and duties upon houses, be it enacted, That it shall and may be lawful to and for his Majesty, his heirs and succesfors, or the faid commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, from time to time, to constitute and appoint such person or per-



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sons as his Majesty, his heirs and successors, or the said commissioners of the treasury, or high treasurer for the time being, shall think meet, to be the officer or officers for the survey and inspection of the rates and duties by this act granted, within the find kingdom of Great Britain, and for viewing and numbering the feveral windows or lights in each house, and for the inspecting and examining the affestments or certificates thereof, made and to be made from time to time in pursuance of this act, and doing all things belonging to the same; which officers, or any of them, shall have full power to examine and supervise the asfessiments of the houses, windows, or lights rated in every parish and place, as aforesaid; and at seasonable times, with a constable, headborough, tythingman, or other officer of the respective parishes or places within Great Britain, who are hereby required to affift fuch officers accordingly, to view and examine whether there be any more windows than are certified and rated in fuch affeffment, and shall have liberty to pass through any house or houses, in order to go into any court, yard, or backfide thereunto belonging, and externally to view and inspect the windows or lights in any such house or houses, that cannot be conveniently feen or numbered, without passing through such house or houses; and shall also have liberty to make like view, examination, and inspection twice in the year during the continuance of this act; and if upon or after fuch view or examination and inspection of the affestments, as aforesaid, such officer or officers shall find that any person or premisses are under-rated, or not rated and charged, as by this act is directed and appointed, such officer or officers shall certify the same to the said commissioners, or any three or more of them, within the division, hundred, parish, or place wherein such neglect or failure shall happen to be, which said commissioners, or any three or more of them, shall and are hereby required to cause such rate or rates to be set upon every fuch person and premisses as shall be according to the true intent and meaning of this present act.

XXXI. And be it also enacted and declared, That where A house inhanny house shall be inhabited by two or more person or persons, bited by a faror family or families, such house shall nevertheless be subject to, milies how and shall in like manner pay the rates and duties charged on taxable. houses; windows, or lights, by this act, as if such house was

inhabited by one person or family only.

XXXII. Provided always, That each distinct chamber or Appartments apartment, in any college or hall in any of the universities of in colleges, Great Britain, shall be subject to the same rates or duties as if

it were an entire house paying to church and poor.

XXXIII. And be it enacted and declared by the authority Inns of court, aforesaid, That every edifice in any of the inns of court or Chancery, being severally in the tenure or occupation of any perfon or persons, shall be subject to the same rates and duties for the number of windows therein, as if it were an intire house; and every house, whereof the keeping only is committed or left and houseslest to the care of charge of any person or servant, who doth not to the care of Vol. XIX.

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pay to the church and poor, shall be subject to the like rates and duties, for the windows or lights therein, as if it were inhabited by the occupier, or by a tenant, and to be paid by the respec-

tive occupiers or tenants of the same.

Arrears of collectors to be re-affeffed.

XXXIV. And be it further enacted by the authority aforefaid, That in case there shall be any arrear of the said rates or duties on houses, windows, or lights, by reason of the failure of any fuch collector or collectors, as aforesaid, for which any parish or place shall be answerable, it shall and may be lawful to and for any three or more of the commissioners for the said rates and duties, to cause such arrear to be re-assessed within the faid parish or place respectively, on all such houses, windows, or lights, as are liable to the payment of the said rates and duties, and to cause the same to be raised, and (for default of payment) to be levied by such ways and means, as the rates and duties on houses, windows, or lights, are by this act directed to be raised and levied in such parishes or places respectively, and to cause the money so raised or levied to be paid to the receiver general of the said rates and duties, or into the exchequer, for the respective uses and purposes whereunto such arrears (if they had been duly paid by the said collectors) are hereby appropriated.

In what cafes landlords are liable.

XXXV. And be it enacted and declared by the authority aforesaid, That where any dwelling-house is or shall be lett in different apartments, to several persons, and the landlord of such house pays other taxes and parish rates for the same, such landlord shall be deemed and taken to be the occupier of such dwelling-house, and be charged with, and liable to pay the said rates and duties for the same, as one entire house.

Collectors gathering by a falle book, &c.

XXXVI. And be it enacted by the authority aforesaid, That no collector or collectors of the said rates and duties by this act granted, shall collect or gather the same by any rate or book, other than such rate and book as shall be signed and allowed by the said commissioners as aforesaid; and that in case any such collector or collectors shall collect the same by any other rate or book, or shall receive such rates and duties from any person or persons not charged therewith, or shall collect from any person or persons more money than is actually charged in such rate or book, and not pay the whole money by him collected, or fraudulently alter any such rate or book, after the same hath been figned and allowed by the faid commissioners as aforesaid; every fuch collector or collectors shall, for every such offence, forfeit the sum of twenty pounds, to be levied as by this act is directed.

Surveyors to examine, &c. the rates becommission-

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XXXVII. And be it further enacted by the authority aforefaid, That the surveyors appointed or to be appointed as aforesaid, for the said rates and duties, shall be, and they are hereby fore figned by impowered to inspect and examine the rates and affestments for any partsh or place, before the commissioners shall have signed and allowed the same, and to alter, and amend such rates and affessments, if he or they shall see just cause for so doing; and if any fuch surveyor or surveyors shall, after the said rates or as-

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fessiments are figural and allowed as aforesaid, find, or discover Omissions upon his or their survey, that any dwelling-houses, windows, afterwards to or lights, which frould and ought to be charged with the faid way of furrates and duties, have been omitted to be charged therewith, or charge. are under-rated, such surveyor or surveyors shall certify the same in writing und r his hand, by way of furcharge, to any three or more of the said commissioners, in order to have such omission or under-rate certified in the faid affessment; and such commisfioners are thereupon to cause the same to be rechified, and the faid rates and duties levied accordingly.

XXXVIII. And to obviate any doubts which may arise about the charging of windows or lights, within the meaning of this act, when two or more windows or lights are fixed in one frame; it is further enacted, That when a partition or division between Windows in fuch wind ws or lights is or shall be of the breadth or space of frames how to twelve inches, the window or light on each fide of fuch parti- be charged. tion or division, shall be deemed as a distinct window or light. and be rated accordingly; and that all windows in frames which are or shall be extended so far as to give light into more rooms than one, such windows shall be reckoned and charged as so many separate windows, as there are rooms enlightened thereby.

XXXIX. And whereas it hath been found by experience, that the duties upon houses granted by former acts of parliament, have been greatly lessened by means of persons frequently stopping up windows or lights in their dwelling-houses, in order to evade the payment of the said duties, and opening the same again; it is hereby further enacted, That if any occupier of any dwelling-house shall open Windows any windows of lights which have been stopped up as aforesaid, opened withafter the affeffments are fettled, and the warrants for collecting given, the faid rates and duties are figned by the faid commissioners, without first giving, or causing to be given notice thereof in writing to the surveyor of the said rates and duties, every such occupier or occupiers of fuch dwell g-house or houses, shall forfeit the sum of twenty shillings for each respective window Penalty. or light opened as aforesaid; to be levied as by this act is directed.

XL. And whereas it hath often happened, that several affesiments, and duplicates of the duties on houses, granted by the said before recited acts of parliament, bave not been made out in due time, to the prejudice of the said revenue, for want of a sufficient number of acting commissioners in the parishes or places where such assessments or duplicates ought to have been made; it is hereby further enacted, Commission-That in all fuch cases, it shall and may be lawful to and for the ers in the faid commissioners, appointed for putting this act in execution, hood to fign living in any neighbouring parish or place within the same coun-affessments, ty, and they are hereby impowered, to make out and fign such &c. affestments or duplicates, which are or shall be wanting for any fuch parishes or places as aforesaid.

XLI. And whereas it may frequently happen, that persons quitting their dwelling-houses, may remove to other parishes or places without first discharging or paying the rates and duties charged upon him,

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coverable where the occupier removes.

him, her, or them for the house or houses they so quitted, whereby the said rates and duties by this act granted will be lost, unless such person or persons so removing can after such removal be compelled to Tax how re- pay the same; it is hereby enacted and declared, That the commissioners acting by virtue of this act, within such parish or place where such rates and duties are charged upon, and unpaid by the person or persons removing as aforesaid, shall sign and cause to be transmitted a certificate thereof to the commissioners acting within the parish or place where the person or persons making such default of payment shall happen to reside; which commissioners, or any three or more of them, shall and are hereby impowered to raise and levy the said rates and duties charged upon the party or parties removed as aforesaid, and cause the monies so raised and levied, to be paid to the collectors of the parish or place from whence the said person or perfons did or shall remove, so as the same may be paid and applied according to the true intent and meaning of this act.

XLII. And be it further enacted by the authority aforesaid, Officers to That the faid furveyors, and all other officers and persons who take instructions from the shall be employed in the execution of this act, shall observe and follow fuch orders, instructions, and directions, as they treasury. shall, from time to time, receive from the said commissioners of the treasury, or any three or more of them now being, or the high treaturer, or any three or more of the commissioners of the treasury for the time being, for the better execution of

the powers and authorities by this act granted.

Treasury to appoint falaries.

XLIII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies, from time to time, arisen or to arise, of or for the said rates and duties on houses, windows, or lights, it shall and may be lawful to and for the faid commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, to settle and appoint such falaries and allowances for the service, pains, and labour of the furveyors and other officers to be employed in the execution of this act, and other wife in relation thereto; and also to discharge such incident charges and expences as shall neceffarily attend the execution of this act, as the faid commiffioners of the treasury, or any three or more them, or the high treasurer for the time being, shall think fit and reasonable in that behalf.

Book of entry to be kept.

XLIV. And be it further enacted by the authority aforefaid, That there shall be provided and kept in the office of the auditor of the receipt of exchequer at Westminster, a book or books, in which all the monies, hereby appointed to be paid into the faid receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable to his Majesty, his heirs or succeffors, upon any account whatfoever; and the faid monies, so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes herein after mentioned.



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XLV. And be it further enacted by the authority aforesaid, Appropria-That all and every the annuities, which by this act shall be tion of this granted and made payable, in respect of the principal sum of fund. granted and made payable, in respect of the principal sum of four millions, to be raised in such manner and form as is herein after directed, as also of the additional capital of ten pounds, herein after directed to be added to every one hundred pounds, advanced towards raising the said sum of sour millions, until redemption thereof by parliament, shall be charged, and chargeable upon, and payable out of the several rates and duties by this act granted to his Majesty; and the said several rates and duties shall be and are hereby appropriated for that purpose accordingly.

XLVI. And whereas several persons, natives or foreigners, bo- Subscribers dies politick or corporate, have subscribed and agreed to advance the allowed 41. faid sum of four millions for the publick service, for the purchase of per cent. inannuities after the rate of four pounds per centum per annum; and

the said subscribers or contributors have, in pursuance of a resolution of the commons of Great Britain in parliament assembled, deposited with the first or chief cashier or cashiers of the governor and company of the bank of England for the time being, the sum of ten pounds per centum in part of the principal sums by them respectively subscribed as aforesaid, and are desirous to pay the remaining principal sums by them subscribed, towards raising the said sum of four millions, at such times, and in such manner as shall be appointed in that behalf; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and every such contributor or contributors, who have already deposited with the said cashier or cashiers of the said governor and company of the bank of England, the faid sum of ten pounds per centum as aforesaid, to advance and pay unto the said cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal fums by them subscribed towards the said sum of four millions, for the purchase of any certain annuity or annuities, Annuities to commence from the feast of Saint Michael the archangel, which mence. shall be in the year of our Lord one thousand seven hundred and forty feven, and to be paid and payable to fuch contributor or contributors, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds per annum for every one hundred pounds, and proportionably for any greater or less sum so to be advanced and paid; and the remaining purchase money for every fuch annuity, at the rate aforesaid, is hereby appointed to be paid unto the faid cashier or cashiers aforesaid, at or before the respective days or times herein after limited; that is to fay, one tenth part thereof on or before the Times, &c. seventeenth day of February, one thousand seven hundred and for paying the forty fix; one fifth part thereof on or before the seventeenth day purchaseof March then next enfuing; one other fifth part thereof on or money.

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before the nineteenth day of May then next enfuing; one other

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168th part thereof on or before the fourteenth day of July then next ensuing; and the remaining fifth plant thereof on or before the twenty fecond day of September then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to say, the feasts of the annunciation of the blessed Virgin Mary, and of Saint Michael the Archangel, by even and equal portions, or within fix days after every of the faid feaft days; the first payment thereof to be due and payable at the feast day of the annunciation of the bleffed Virgin Mary, which shall be in the year of our Lord one thousand seven hundred and forty eight, or within fix days after the faid feast day: nevertheless, the faid annuities shall be redeemable according to the purport and true meaning of a proviso or condition herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the said governor and company of the bank of England for the time being, is and are hereby authorized and required forthwith to give receipts in writing, figned by himfelf or themselves, to such contributor or contributors, for all sums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other fum or fums of money as shall hereafter be advanced and paid to him or them by any fuch contributors or payers thereof as Receipts to be aforefaid (which receipts shall be assignable by endorsement there-

Cathier of the bank to give receipts.

Annuities 30-

deemable.

affignable.

Cashier to give provided the said cashier or cashiers do first give security to the lecurity.

Book to be kept for entering contributors names Scc.

Contributors to be credited with an additiona-camial of 10 l, for every Ico l.

XLVII. And it is hereby enacted, That in the office of the accomptant general of the governor and company of the bank of England for the time being, there shall be provided and kept a book or books, in which there shall be fairly entered the names of all who shall be contributors for such annuities, after the rate of four pounds per centum per annum as aforesaid, and of all perfons by whose hands the said contributors shall pay in any of the faid sums upon this act, and also the sums so paid; and the faid accomptant general is hereby also authorized and required, upon the full payment of the sum of four millions to the faid cashier or cashiers by such contributors as aforesaid, forthwith to place to the credit of every such contributor, in the same book or books as are herein before directed to be provided by the faid accomptant general, for entering the names of all fuch

ing into the receipt of his Majesty's exchequer, all the monies which he or they have already received, or shall hereafter receive, from time to time, of or for the faid fum, not exceeding four millions, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, ac-

upon made at any time before the twenty second day of September, one thousand seven hundred and forty seven, and no longer;)

good liking of any three or more of the commissioners of the

treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and pay-

cording to the due course thereof.



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contributors, and the sums by them paid for the purchase of the faid annuities, an additional capital of ten pounds, to be added to every sum of one hundred pounds, by them respectively advanced for the purposes aforesaid, and so in proportion for a greater or leffer fum; which said additional capital shall be attended with annuities after the rate of four pounds per centum per annum, and to carry 41. shall be charged upon, and paid out of the said rates, and duties per cent. inby this act granted, at the same feast days, and in the same man- terest. ner, as the annuities herein before made payable, in respect of the faid principal sum of four millions, are to be paid and payable, and subject also to the same proviso of redemption by parliament herein after contained in that behalf; and it shall and Contributors may be lawful for the said respective contributors, their execu- to inspect the tors, administrators, successors, and assigns, from time to time, books gratis. and at all seasonable times, to have resort to, and inspect the faid book or books without any fee or charge; and the faid accomptant general for the time being shall, on or before the twenty fourth day of June, one thousand seven hundred and Duplicate of forty nine, transmit an attested duplicate, fairly written on the book to be paper, of the said book or books, into the office of the auditor in the excheof the receipt of his Majesty's exchequer, there to remain for quer. ever.

XLVIII. And it is hereby enacted by the authority aforesaid, Annuities en-That all and every contributor and contributors upon this act, fured to the duly paying the whole confideration or purchase-money, at the contributors, rate aforesaid, at or before the respective days and times in this act limited in that behalf, for such annuity or annuities as aforefaid, or fuch as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and asfigns, shall have, receive, and enjoy, and be intitled by virtue of this act, to have, receive, and enjoy, the respective annuity and annuities so to be purchased, together with the annuity or annuities made payable by this act, in respect of the said additional capital as aforesaid, out of the monies by this act appropriated or appointed for payment thereof as aforesaid, and shall have good and fure oftates and interests therein for ever, subject only to the proviso or condition of redemption in this act afterwards contained concerning the same; and that all the several and respective annuities, payable in pursuance of this act, after the rate of four pounds per centum per annum, on all and every the principal sums for which the same are payable, shall free from be free from all taxes, charges, and impositions whatsoever.

XLIX. And it is hereby provided and enacted by the autho- Monies paid rity aforefaid, That all and every person or persons who shall before the become interested in, or intitled to any annuity or annuities, times limited, part of the faid sum of four millions subscribed for in pursuance of this act, who shall, before the passing of this act, have advanced or paid, or shall hereafter advance and pay to the said cashier or cashiers, the whole or any part of the remaining purchase-money, payable in respect thereof, before any of the respective days or times herein limited or appointed for payment C 4

thereof,



to carry 51. per cent. interest.

On payment of the whole purchase money,

the annuities to be tranfferrable. Contributors not paying within the times limited,

to forfeit the

Chief cashier and accomptant general ed.

thereof, such person or persons shall be allowed interest after the rate of five pounds per centum per annum, for all and every fuch fum and fums of money as shall be so advanced and paid to such cashier or cashiers, by any such contributors as aforesaid, from the respective time or times of their actual payment thereof, to Michaelmas, one thousand seven hundred and forty seven; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and required to cause the said interest to be paid upon such respective sums as shall be so advanced acaccordingly, out of the monies to be contributed in pursuance of this act; and in case any such person or persons shall compleat the payment of the whole purchase-money, payable for any such annuities, he, she, or they shall have such respective sums as they shall become interested in, or intitled unto, forthwith placed to the credit of the said contributors, and made transferrable in the books of the bank of England, by this act

appointed to be kept for that purpose.

L. Provided, That in case any such contributors as aforesaid, who have already deposited with the said cashier or cashiers, one tenth part of his, her, or their purchase-money, or his, her, or their executors, administrators, successors, or assigns, do not advance and pay to the said cashier or cashiers, one other tenth part of his, her, or their confideration-money, so to be paid for fuch respective annuity or annuities as aforesaid, on or before the seventeenth day of February, one thousand seven hundred and forty fix; and one fifth part thereof, on or before the seventeenth day of March, then next ensuing; and one other fifth part thereof on or before the nineteenth day of May, then next ensuing; and one other fifth part thereof, on or before the fourteenth day of July, then next ensuing; and the remaining fifth part thereof on or before the twenty second day of September, then next following; then and in every fuch case respectively, so sum advanced, much of the consideration-money as shall have been actually paid in part thereof only to the faid cashier or cashiers for such respective annuity, shall be forfeited for the benefit of the publick: any thing in this act contained to the contrary notwithstanding.

LI. And for the more easy and sure payment of the several annuities by this act authorized to be purchased as aforesaid. amounting in the whole to the fum of four millions, as also of the several annuities payable in respect of the said additional capital, it is hereby further enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds per centum per annum, shall be redeemed according to this act, appoint and employ one or more sufficient person or persons, within their office in the city of London, to be their chief cashier or cashiers. to be appoint- and one other sufficient person, within the same office, to be their accomptant general, and that io much of the monies, from time



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to time arising into the said receipt of the exchequer, for the said rates and duties by this act appropriated for this purpose as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs, or successors for the time being, without any further or other warrant to be fued for, had, or obtained in that behalf, from time to time, at the respective half-yearly feast days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first Monies for the or chief cashier or cashiers of the said governor and company of annuities to be issued from the bank of England, and their successors for the time being, the excheby way of imprest, and upon account, for the payment of the quer, &c. faid several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital as aforesaid, at such time, and in such manner and form, as are by this act prescribed in that behalf; and that all and every Cashiers to fuch cashier or cashiers, to whom the said monies shall from make paytime to time be issued, shall, from time to time, without delay, ap- ments. ply and pay the fame accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

LII. And it is hereby also enacted, That the said accomp- Accomptant-tant general for the time being, shall from time to time inspect general to inand examine all receipts and payments of the said cashier or spect the cacashiers, and the vouchers relating thereunto, in order to pre- shiers receipts. vent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of Annuities to the faid several and respective annuities, after the rate of four be a personal' pounds per centum per annum, and all persons lawfully claiming estate, &c. under them, shall be possessed thereof as of a personal estate, and the same shall not be descendable to the heir, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law, statute, or custom to the contrary notwith-

ftanding.

LIII. And be it further enacted by the authority aforesaid, The monies That all the monies to be advanced or contributed, or to which contributed to any person or persons shall become intitled to upon this act, for be a joint or towards the said sum, not exceeding four millions, together stock, &c. with the additional capital of ten pounds, herein before directed to be added to every one hundred pounds advanced by fuch contributors, Thall be deemed, reputed, and taken to be one capital or joint-stock, on which the said several and respective annuities, after the rate of four pounds per centum per annum, shall be attending; and that all and every person and persons and corporations whatfoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled, as aforefaid, upon this act, shall have, and be deemed to have, a proportional interest and share in the said stock, and in the annuity attending

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Book to be kept for transfers.

Entries to be figned by the parties tranfferring and accepting.

Annuities deviseable, &c.

In default ot devile, &c. to executors.

The bank to continue a company till redemption of the annuities.

No fee for payment of contributionmoney.

Transfers to be gratis.

attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the fame, shall be assignable and transferrable. transferrable as this act directs, and not otherwise; and that there shall constantly be kept, at all seasonable times, in the office of the said accomptant general for the time being, within the city of London, a book or books, wherein all affignments or transfers of the said whole capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper words for that purpose, and shall be figned by the parties making fuch affignments or transfers, or if fuch parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, in writing under his, her, or their hands and feals, to be attested by two or more credible witnesses; and that the person or persons to whom such transfer shall be made do under-write his, her, or their acceptance thereof; and that no other method of affigning or transferring the faid stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

LIV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will in writing, attested by two or more credible witnesses; but that fuch devisee shall receive no payment thereupon, till so much of the faid will, as relates to the faid stock or annuity, be entered in the said office; and in default of such transfer or devise, the faid stock, and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers or any of them; any other law or statute to the contrary notwithstanding.

LV. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors (notwithstanding the redemption of all or any their own funds, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the faid governor and company, or any members thereof, shall not incur any disability, for or by reason of their doing any matter or thing in pursuance of this act.

LVI. And it is hereby enacted by the authority aforesaid, That no fee or gratuity whatfoever shall be demanded or taken of any of his Majesty's subjects for receiving or paying the said contribution-monies, or any of them, or for any tallies or other receipts concerning the same, or for issuing the monies for paying the faid feveral annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer of any

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fum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party grieved; to be recovered with full Penalty. costs of suit, in any of his Majesty's courts of record at Westminiter.

LVII. Provided always, and be it enacted by the autho- Salaries for rity aforesaid, That the commissioners of the treasury, or any cashiers, &c. three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being. shall have power, and they are hereby authorized to settle and appoint such allowances (out of the contributions to the annuities granted by this act) as they shall think just and reasonable, for the fervice, pains, and labour of the cashier or cashiers of the governor and company of the bank of England, for receiving and accounting for the faid contributions; and also such further allowances (out of the faid several rates and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for the several and respective annuities payable in respect thereof; and also for the service, pains, and trouble of the accomptant general of the faid governor and company for performing the duty and trust incumbent on him by this act: all which allowances hereby impowered to be made as aforesaid, in respect of the service, pains, and labour of any officer or officers of the faid governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contray notwithstanding.

LVIII. And whereas the said duties upon houses granted by the first herein recited act of the seventh and eighth years of the reign of his late majesty King William the Third, are (together with sundry other duties and revenues, commonly called The general or aggregate fund) charged with, and liable to pay several annuities and other payments, to several corporations and other persons intitled thereunto; and it may so happen, that by repealing the faid rates and duties upon houses, the funds charged with the payments aforesaid may prove deficient: and whereas by a medium of five years, computed from the twenty ninth day of September, one thousand seven hundred and forty one, the sum of ninety one thousand four hundred eighty five pounds, and fix pence three farthings, is taken to have been the annual produce of the said rates and duties upon houses to the said fund, towards answering the several payments aforesaid: to the end therefore that no person or persons, bodies politick or corporate whatfoever, who are intitled to any part, share, or interest in the monies arising by the faid rates and duties upon houses, may be losers, or receive any prejudice by the repealing thereof as aforefaid; be it enacted by the authority aforesaid, That from and onites! 6 d. after the faid twenty fifth day of March, one thousand seven three farhundred and forty seven, there shall be reserved and set apart at things to be the exchequer, and applied to the faid General or Aggregate fund annuit son in the first place, out of the monies to arise into the said receipt, the aggregate

or tund.



of or for the rates and duties by this act granted, the yearly sum of ninety one thousand four hundred eighty five pounds, and fix pence three farthings, being the aforesaid medium of what hath been annually produced to the said General or Aggregate fund, by the said rates and duties upon houses, by this act repealed as aforesaid, towards payment of the several annuities, and other payments charged on the said fund; any thing herein contained to the contrary thereof in any wife notwithstanding.

The furplus monies how to be applied.

LIX. And be it further enacted by the authority aforesaid, That after reserving, or setting apart the said yearly sum of ninety one thousand four hundred eighty five pounds, and six pence three farthings, herein before directed to be applied to the said General or Aggregate fund, out of the said rates and duties by this act granted as aforesaid, all the rest and residue of the monies arising into the exchequer of or for the said rates and duties, shall, from time to time, be issued and applied to satisfy and pay the feveral and respective annuities, and other charges by this act charged upon and made payable out of the same, at such times, and in such manner, as is herein before directed in that behalf, until redemption thereof by parliament as aforesaid.

LX. And whereas a certain annuity, or yearly Jum of Seventy four thousand three hundred thirty four pounds, and eleven pence, is now charged upon, and payable to the South Sea company, out of the rates and duties upon coals, culm, and cinders, and the faid additional rates and duties upon houses, granted by the before recited all of the eighth year of the reign of her said late majesty Queen Anne: and whereas it may so happen, that by the repealing the said additional rates and duties upon houses, the monies arising by the said duties upon coals, culm, and cinders only, may not be sufficient to answer and pay the said annuity, or yearly sum of seventy four thousand three bundred thirty four pounds, and eleven pence, to the faid company; and it being just and reasonable, that provision should be made by this att, for making good any such deficiency that may happen therein, be Deficiencies of it therefore enacted and declared by the authority aforesaid, That if the monies arising into the receipt of his Majesty's exchequer, the annuity of of or for the said duties upon coals, culm, and cinders, as afore-74,334 l. 11 d. faid, shall at any time or times, from and after the faid twenty fifth day of March, one thousand seven hundred and forty seven, be so low or deficient, as not to answer and pay to the said South Sea company the faid annuity or yearly fum of seventy four thousand three hundred thirty four pounds, and eleven pence, charged thereupon as aforesaid; in all and every such case and cases, it shall and may be lawful to and for the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the com-

missioners of the treasury for the time being, and they are hereby respectively authorized and required to cause such deficiencies, as shall, from time to time, happen in the produce of the said

rates and duties upon coals, culm, and cinders, to be made good

out of any monies arisen or to arise into the said receipt of exchequer, of or for the rates and duties by this act granted (ex-

to be made good out of these duties.

the fund for

payment of

to the South Sea company,



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cept such monies as are or shall be reserved and set apart for the

use and purpose herein before mentioned.)

LXI. Provided always, That whatever monies shall be issued The monies out of the said rates and duties by this act granted, for making to be replaced. good any such deficiencies as aforesaid, the same shall be replaced by and out of the first supplies to be granted in parliament, next after fuch deficiency shall have been made good; any thing herein before contained to the contrary in any wife notwith-

standing.

LXII. And it is hereby enacted by the authority aforesaid, Desiciencies of That if at any time or times, the produce of the said rates and these duties, duties by this act granted, as aforefaid, shall happen to be so made good. low or deficient, as that the monies arising thereby into the exchequer, shall not be sufficient to pay and discharge the several and respective annuities, and other charges by this act directed to be paid thereout, at the end of either of the respective half yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall or may be supplied out of the overplus monies that shall or may happen to arise, and be paid into the exchequer in any subsequent half-years, as the said several and respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case the deficiencies so from time to time happening, shall from time to time be answered, and made good out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after fuch deficiencies shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the furplusses, excesses, or overplus monies commonly called The finking fund (except fuch monies of the faid finking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalt) and fuch monies of the faid finking fund shall, and may be, from time to time, issued and applied accordingly.

LXIII. Provided always, and be it enacted by the authority a- Sinking fund foresaid, That whatever monies shall be so issued out of the said to be replaced. finking fund, shall from time to time be replaced by and out of

the first supplies, to be then after granted in parliament.

LXIV. Provided always, and be it enacted by the authority a- Surplus how foresaid, That in case there shall be any surplu. or remainder of tobe applied. the monies, arifing by the faid rates and duties, after the faid feveral and respective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are satisfied, or money sufficient shall be reserved for that purpole, such surplus or remainder thall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by authority of parliament, and as shall be directed by any fu-

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ture act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding.

Clause of redemption,

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LXV. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the London Gazette, and affixed upon the Royal Exchange of London, by authority of parliament, at any of the halfyearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament of the principal fum of four millions, and also upon payment of the said additional capital of four hundred thousand pounds, amounting together to the principal fum of four millions four hundred thousand pounds, for which the said respective annuities are payable to fuch respective persons or corporations as shall be entitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the said respective annuities shall ccase and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the faid several rates and duties by this act granted, as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, fignified by the speaker in writing, to be inserted in the London Gazette, and affixed on the Royal Exchange of London, as aforefaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

LXVI. And be it further enacted by the authority aforesaid, That if any person or persons shall, at any time or times, be sued or prosecuted for any thing by him or them done or executed in pursuance of this act, or of any matter or thing in this act contained; such person or persons shall and may plead the general issue, and give the special matter in evidence for his or their desence; and if upon the trial a verdict shall pass for the desendant or desendants, or the plaintiff or plaintiffs shall become nonsuited, then such desendant or desendants shall have treble costs to him or them awarded against such plaintiff or plaintiffs.

General issue.

Treble costs.

## CAP. IV.

An act to continue, explain, and amend an act made in the last session of parliament, intituled, An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper rubich now rages amongst the horned cattle in this kingdom.

Amendment of 19 Geo. 2. c. 5.

### CAP. V.

An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder, and perry in that part of Great Britain called Scotland; and for applying a certain sum of money therein mentioned, towards the supply for the service of the year one thousand seven hundred and forty seven.



### CAP. VI.

An act to continue and make more effectual two acts of parliament; one passed in the twelfth year of the reign of her late majesty Queen Anne, and the other in the first year of the reign of his present Majesty, for repairing the highways between the Bear Inn in Reading and Puntfield in the county of Berks; and for amending other roads in the last act mentioned.

The acts 12 Ann. and 1 Geo. 2. c. 7. continued for 21 years.

### CAP. VII.

An act for enlarging the term and powers granted by an act passed in the twelfth year of the reign of his late majesty King George the First, intituled, An act for repairing the roads leading from the western part of the parish of Shensield, to Harwich in the county of Esex, and the road leading from Chelmsford in the said county, to Sudbury in the county of Suffolk, and from Margretting to Malden in the county of Esex, and from Colchester to Langham in the same county; and for repairing other roads adjoining to the same roads.

The act 12 Geo. 1. c. 23. continued for 21 years.

## CAP. VIII.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing, widening, and amending the road leading from Warrington to Wigan in the county of Lancaster; and also for amending and repairing the road leading from a place called Earl's Kill, in Warrington aforesaid, to the toll-bars in Wallgate, in Wigan aforesaid.

The act 13 Geo. 1. C. 10. continued for 21 years.

### CAP. IX.

An act for repairing the high road leading from the north end of the Cow Cawfey, near the town of Newcastle upon Tyne, to the town of Belford, and from thence to Buckton Burn, in the county of Northumberland.

Certain tolls granted for 21 years.

# CAP. X.

An act for granting to his Majesty several rates and duties upon coaches, and other carriages therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, being desirous to raise the necessary supplies, which we have granted to your Majesty in this session of parliament, in the most safe, easy, and expeditious manner we are able, have voluntarily resolved to give and grant unto your Majesty the several and respective new rates and duties herein after expressed; and to that end and purpose do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled.

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bled, and by the authority of the same, That from and after the twenty fifth day of March, one thousand seven hundred and forty seven, there shall be raised, levied, collected, and paid, unto and for the use of his Majesty, his heirs and successors, for and upon every coach, berlin, landau, chariot, calash, chaise marine, chaife, chair, and caravan, or by what name foever fuch wheel-carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be let out to hire, the respective annual rates or duties herein after expressed; that is to say,

Duties upon coaches and other carmages.

For and upon every coach, berlin, landau, chariot, calash with four wheels, chaise marine, chaise with four wheels, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, that shall be kept by or for any person, for his or her own use, or to be lett out to hire (other than and except such coaches, and other carriages, as now are, or hereafter may be, licensed by the commissioners for the duties arising by hackney coaches) the yearly sum of four pounds for every fuch coach, berlin, landau, chariot, calash with four wheels, chaile marine, chaile with four wheels, and caravan, or by what name foever fuch carriages now are, or hereafter may be called or known, so to be kept as aforesaid.

And for and upon every calash, chaise, and chair, with two wheels, or by what name soever such carriages now are, or hereafter may be called or known, to be drawn by one or more horses, that shall be kept by or for any person or persons, for his, her, or their own use, or to be lett out to hire, the yearly sum of forty shillings for every calash, chaise, or chair, with two wheels,

so to be kept as aforesaid.

Which said several and respective rates and duties for and upon every fuch coach, berlin, landau, chariot, calash, chaise marine, chaife, chair, and caravan, or by what name soever such carriages now are, or hereafter may be called or known, shall be

No perion to pay for more than five carriages, except they be kept for hire.

paid by the person or persons who keep the same. II. Provided nevertheless, That no person shall be obliged to pay the said yearly sum of four pounds for more than five such carriages on which the faid duty of four pounds a year is hereby charged, to be kept by or for him or her, for his or her own afe only; nevertheless it is the true intent and meaning of this act, that all persons who shall keep the same for supplying any waiting jobb, by the day, week, month, quarter, or any other time, or otherwise to be lett out to hire, shall pay the said yearly sum of four pounds for every such coach, berlin, landau, chariot, calash with four wheels, chaise marine, and chaise with four wheels, or by what name soever such carriages now are, or hereafter may be called or known, fo to be kept by him, her, or them, to be lett out for hire, as aforesaid, though exceeding the number of five; and that every person, who shall keep any calash, chaise, or chair with two wheels, or by what name seever



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such carriages now are, or hereafter may be called or known, to be drawn by one or more horles, to be let out for hire, shall pay the faid yearly fum of forty shillings for every calash, chaise, or chair, so to be kept by him or her, to be lett out for hire, as aforelaid, though exceeding the number of five.

III. And for the better ascertaining, charging, levying, and fecuring the several duties by this act imposed, and for preventing all frauds concerning the same; be it further enacted by the authority aforesaid, That such of the said duties by this act Duties upon granted, as are or shall be chargeable upon such coaches, ber- coaches, &c. lins, landaus, chariots, calashes, chaise marines, chaises, chairs, England to be and caravans, or by what names foever fuch carriages now are, under the maor hereafter may be called or known, that shall be kept by or nagement of for any persons for his, her, or their own use, or to be lett out the officers of to hire in England. Wales, or the town of Require wan Taxed excise in Engto hire in England, Wales, or the town of Berwick upon Tweed, land; shall be under the management of the commissioners and officers of the excise in England for the time being; and such of the faid duties as are imposed by this act upon such coaches, berlins, and those in landaus, chariots, calashes, chaise marines, chaises, and chairs, Scotland unor by what names soever such carriages now are, or hereafter der like officers may be called or known, that shall be kept by or for any perfons for his, her, or their own use, or be lett out to hire in Scotland, shall be under the management of the commissioners and officers of the excise in Scotland for the time being, who are hereby respectively impowered to appoint proper officers for Commissioncharging, collecting, and receiving the same; and all monies ers to appoint arising by the said duties (the necessary charges of raising and lecting the duaccounting for the same excepted) shall, from time to time, be thes. paid into the receipt of his Majesty's exchequer at Westminster, distinctly and apart from all other branches of the publick reve-

nues, for the purpoles herein after mentioned. IV. And it is hereby enacted by the authority aforesaid, That Persons keepall and every person and persons, who from and after the said ing coaches, twenty fifth day of March, one thousand seven hundred and forty &c. to give feven, shall have or keep any coach, berlin, landau, chariot, notice at the calash, chaise marine, chaise, chair, or caravan, or by what name foever fuch carriage now is or hereafter may be called or known, for his, her, or their own use, or the use of any person of or for whom he, she, or they, is, are, or shall be committees, trustees, or guardians, or to lett out to hire, in London, Westminster, or in any parts within the limits of the weekly bills of mortality, thall, within thirty days after the faid twenty fifth day of March, one thousand seven hundred and forty seven, or within twenty days after he or the shall begin to keep such coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, give notice in writing at the chief office of excise in London; and all and every person and persons, who from and after the faid twenty fifth day of March, one thousand seven hundred and forty seven, shall keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or. Vor. XIX. caravan,



caravan, or by what name soever such carriage now is, or hereafter may be called or known, for his or her own use, or for the use of any person of or for whom he, she, or they, shall be committees, trustees, or guardians, or to lett out to hire in any other part of Great Britain, shall, within fixty days after the faid twenty fifth day of March, one thousand seven hundred and forty seven, or within twenty days after he, she, or they, shall begin to keep such carriage, and from time to time within twenty days after beginning to keep any other such carriages respectively, not being in the place of the former, give notice in writing at the office of excise, next to the place where such person or persons, for whose use the same shall be so kept, shall respectively inhabit, of his, her, or their keeping the same, and of the number of the coaches, berlins, landaus, chariots, calashes with four wheels, chaife marines, chaifes, or chairs with four wheels, or caravans, and calashes, chaises and chairs with two wheels, or by what name foever fuch carriages now are, or hereafter may be called or known, so by him, her, or them respectively kept as aforesaid, and of the parish or place where he or she respectively resides, and shall at the same time pay down the respective annual rates and duties so imposed as aforesaid, for the keeping the same.

Duties when to be paid.

Notice to be given every year,

paid.

Penalty.

Names of the owners and soaches,

V. And be it further enacted by the authority aforesaid, That all and every person or persons that shall give, or be obliged to give such notice as aforesaid, is and are hereby required at or within twenty days after the expiration of twelve calendar months, after the times of giving or being obliged to give such first notices, to give a fresh notice in manner aforesaid, and pay down the respective annual rates and duties above mentioned, accordand the duties ing to the number of coaches, berlins, landaus, chariots, calashes with four wheels, chaise marines, chaises, and chairs with four wheels, or caravans, and calashes, chaises and chairs with two wheels, or by what names foever fuch carriages now are, or hereafter may be called or known, so by him, her, or them respectively then kept, and in the same manner to renew fuch notice, and make such payment from year to year, as long as he, she, or they shall so keep any such carriages; and if any person or persons shall so keep any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, as aforesaid, without giving such first notice, and making such payments as aforesaid, or without renewing such posice and payments yearly, in manner as aforesaid, he, she, or they shall respectively forseit and lose the sum of twenty pounds for each offence.

VI. And be it further enacted by the authority aforesaid, That upon the payment of the faid respective rates and duties so herethe number of by granted, at the said respective offices of excise, by the respective owners or proprietors thereof as aforesaid, the names of the persons so paying the same, and the number of the coaches, berlins, landaus, chariots, calashes with four wheels, chaise marines

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rines, chaifes, and chairs with four wheels, and caravans, and calashes, chaises and chairs with two wheels, or by what names foever such carriages now are, or hereafter may be called or known, by him or her respectively kept, and the name of the parish or place where he or she, and any person of or for whom he, the, or they shall be committee, trustee, or guardian, refides, shall be entered in a register to be kept at the said respect to be regis tive offices of excise for that purpose by the person so receiving ster'd. the same: and a receipt (of which an indented duplicate shall be kept by the person receiving the said money) shall be given to every person so paying such respective rates by the said person so receiving the same; which receipt shall contain the number of Form of the the faid register, the number of the coaches, berlins, landaus, receipts. chariots, calashes, chaise marines, chaises, chairs, and caravans, or by what names loever such carriages now are, or hereafter may be called or known, so respectively paid for, the sum so paid, and the time for which such sum shall have been so paid, and be a discharge to the respective owner for such number of coaches, berlins, landaus, chariots, calashes, chaise marines, chaifes, chairs, and caravans, wherefoever the fame are respectively used.

VII. And be it further enacted by the authority aforesaid, stage coaches. That nothing in this act contained shall extend, or be construed to extend, to charge with the said duty of four pounds per annum, by this act imposed upon coaches, and other carriages, any publick stage coach, which is constantly employed in carrying passengers for hire to and from different places within this kingdom, on certain days in every week fixed for that purpose, and not used or lett out to hire by way of by-jobb, for a day, or

any longer time.

VIII. Provided also, That this act shall not extend to charge and post with the said duty of forty shillings per annum, by this act im-chaises, exposed upon chaises and chairs with two wheels, any post chaise empted. that now is, or hereafter shall be kept for hire by his Majesty's post-master general, or by any deputy post-master in Great Bri-

tain, authorized by him to keep fuch post chaises.

IX. Provided nevertheless, That all and everythe post chaises, Post chaises to fo to be kept by such post-master general, or any deputy post-be entered at mafters, for hire, as aforefaid, shall, within thirty days after the excise ofthe faid twenty fifth day of March, one thousand seven hundred hee, and forty feven, or within thirty days after the letting out of fuch chaises for hire, be entered by the owners thereof at the office of excise next to the place where such persons inhabit; and shall (besides his Majesty's arms to be painted upon every and to have a fuch post chaise) have such figure or mark of distinction fixed mark. thereupon, as shall be appointed by the said commissioners for that purpose; and in case any such post-master shall, from and after the said twenty fifth day of March, one thousand seven hundred and forty seven, lett out to hire any such post chaise before the same shall have been entered, or shall have such arms painted, or such mark or figure fixed thereupon, as aforesaid, D 2

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every fuch deputy post-master and post-masters shall, for every

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fuch offence, forfeit the sum of twenty pounds. Penalty 201.

X. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said commissioners to Coaches, &c. cause such figure or mark of distinction as they shall think prolett out to hire per to appoint, to be fixed upon every such coach, berlin, lanto carry a fidau, chariot, calash, chaise marine, chaise, chair, or caravan, gure, &c. or by what name soever such carriage now is, or hereafter may be called or known, that shall be so lett out to hire as aforesaid, and in case any person or persons whatsoever shall lett out to

hire any fuch carriage which shall not have such figure or mark of distinction fixed thereupon as aforesaid, or shall take off the fame when fixed to any fuch carriage, every fuch person shall, for every such offence, forfeit and lose the sum of twenty pounds.

Penalty 201. Licenfed coaches exempted.

XI. And it is hereby further enacted, That nothing in this act contained shall extend to charge with any of the said rates and duties, any coach which shall be licensed by the commisfioners for regulating and licensing hackney coaches within the cities of London and Westminster, and the suburbs thereof, and have the proper figure or number thereon, and which shall not be employed in carrying any person or persons more than ten

miles from the faid cities respectively.

Coaches kept for fale not to be taxed.

XII. Provided also, and it is hereby declared, That nothing in this act contained shall extend to charge with any of the said duties, any coach, berlin, landau, chariot, calash, chaise marine, chaise, chair, or caravan, or by what name soever such carriage now is, or hereafter may be called or known, kept for sale, and remaining unfold in the possession of the owner Penalty on let- thereof, or of any coachmaker the purchaser thereof; and no fuch carriage shall at any time, whilst in such possession, be employed for his or her own use, or for the use of any other person, other than such person whose like carriage shall be then mending or repairing by fuch coachmaker, or be lett out to hire, on pain of forfeiting the sum of twenty pounds for every time that such carriage shall be so employed, or lett out to hire as aforefaid.

ting out fuch coaches.

> XIII. And be it further enacted by the authority aforesaid, That all the rates and duties hereby granted, as also all forfeitures and offences made and committed against this act, or any clause or article therein contained, shall be heard, adjudged, and determined by fuch person and persons, and in such manner and form, as hereafter in and by this act is directed and appointed; that is to fay, all profecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within the immediate limits of the chief office of excise in London, shall be heard, adjudged, and determined by the said commissioners of excise, or the major part of them, or by the commissioners for appeals, or the major part of them, in case of appeal, and not otherwise; and all prosecutions for the recovery of the duties hereby granted, and also for all forfeitures and offences made and committed within all or any other the counties, shires. stewartries, cities, towns, or places within the kingdom of Great Britain,

Profecutions where to be.



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Britain, shall be heard and determined by any two or more of the justices of the peace residing near to the place where such forfeitures shall be made, or offence committed; and if the party finds himself aggrieved by the judgment given by two or more justices, he shall and may appeal to the justices of the peace at the next quarter sessions, who are hereby authorized and impowered to hear and determine the same, whose judgement therein shall be final; which said commissioners for appeals, and Commissionregulating this duty, and the faid commissioners of excise, and ers, &c. upon all justices of the peace aforesaid respectively, are hereby autho-complaint, to rized, and strictly enjoined and required, upon complaint or in- party, formation upon oath, exhibited and brought of any forfeiture made, or offences committed, contrary to this act, to summon the party accused, and upon his appearance, or contempt, to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party, or by the oath of one or more credible witness or witnesses (which oath they, or any two or more of them, have hereby power to administer) to give judgement or sentence thereupon, and give and to award and iffue out warrants under their hands, for the judgement, levying of fu h forfeitures and penalties as are by this act im- &c. posed, for any such offence committed, upon the goods and chattels of the offender, and to cause sale to be made of the said goods and chattels, if they shall not be redeemed within four- and for want teen days, rendering to the party the overplus, if any be; and of diffress, to for want of sufficient distress, to imprison the party offending commit the till fatisfaction be made.

XIV. And it is hereby further enacted, That all forfeitures Forfeit res and penalties mentioned in this act (all necessary charges for the now to be disrecovery thereof being first deducted) shall be employed, one posed, &c. moiety thereof to and for the use of his Majesty, and the other moiety thereof to the discoverer or informer of the same.

XV. Provided always, and be it enacted by the authority a- None to be foresaid, That in every case where the duty or duties required by p of cuted, this act to be paid, by any person h regable with the same, shall where the duties are paid, be paid, and entry made as aforesa d, before any information &c. before laid of such entry or payment not having been made, although information not strictly within the time for that purpose menti ned, no per-given. son having made such payment and entry, shall be afterwards pro ecuted for not having made such payment or entry within the time limited by this act.

XVI. Provided always, and be it further ena ted by the au-suc eff rs of thority aforesa'd, That if any p rs n having made due entry and d ce sed perpayment of the d ty for any coach or coaches, or other car sons, who riage or carriages mentioned in this act, according to the true have pad the intent and meaning thereof, shall die before the end of the year bac argedt r for which such entry and payment shall be made; in every such the re due of case, it shall be lawful for every person claiming title to any such the year. coach or coaches, carriage or carriages aforesaid, by, fr m, or under such dec ased person, to make use of such coach or coaches, carriage or carriages aforesaid, by and

duty shall have been made and paid as aforesaid, during the refidue of the year for which such payment shall have been made, in like manner, as such deceased person might have done, if living.

Books to be ing the monies coming m.

XVII. And be it further enacted by the authority aforesaid, kept for enter- That there shall be provided and kept in the office of the auditor of the said receipt of exchequer at Westminster, a book or books, in which all the monies hereby appointed to be paid into the faid receipt, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or succeffors, upon any account whatfoever; and the faid money to appointed to be paid into the faid receipt of exchequer as aforefaid, shall be the yearly fund for the uses and purposes herein after mentioned.

Appropriation of the duties.

XVIII. And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of one million, to be raised towards the supply, for the service of the year one thousand seven hundred and forty seven, in such manner and form as herein after is directed, until redemption thereof by parliament, shall be charged and chargeable upon, and payable out of the faid rates and duties by this act granted to his Majesty; and the said rates and duties shall be, and are hereby appropriated for that purpose accordingly.

1,000,000 l. to be raifed by lottery, for purchase of annuities at 4 L per cent.

on the rates.

XIX. And whereas it is intended, That the said sum of one miltion shall be raised by way of a lottery, for the purchase of annuities, ofter the rate of four pounds per centum per annum, in manner hereafter mentioned; be it therefore enacted by the authority aforesaid, That the annuities becoming due and payable to the contributors to the lottery herein after mentioned, their executors, administrators, and assigns, at the rate of four pounds per centum per annum, in respect of the faid principal sum of one million, in manner hereafter in this act expressed, until redemption thereof by parliament, according to the proviso herein after to be charged contained in that behalf, shall be charged upon the said rates and duties, from the feast day of the nativity of Saint John the Baptist, which shall be in the year of our Lord one thousand seven hundred and forty feven, and shall, from time to time, be paid half yearly, at the feasts of the birth of our Lord Christ, and the nativity of Saint John the Baptist, by even and equal portions, the first payment thereof to be due and payable for the half-year ending at the feast of the birth of our Lord Christ, one thoufand seven hundred and forty seven.

Any person may advance sol. or more.

XX. And be it further enacted by the authority aforesaid, That for or towards raising the said sum of one million, it shall and may be lawful for any person or persons, natives or foreigners, bodies politick or corporate, to contribute by paying at or before the respective times by this act limited in that behalf, to any receiver or receivers to be appointed for that purpose, as is herein after mentioned, the sum of ten pounds, or divers entire sums of ten pounds upon this act; and that every such contributor



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butor or adventurer for every such sum of ten pounds, which he, the, or they shall so advance, shall be interested in such lot or thare of and in the joint stock of annuities, established by this act, as is herein after mentioned and appointed in that behalf; and the same entire sums of ten pounds each, are hereby appointed to be paid unto such receiver or receivers, at such time or times, and in such proportions at a time, as are herein after mentioned in that behalf; that is to fay, one fourth part there- Times of adof, upon such day as shall be appointed by the commissioners of vancing the the treasury, or any three or more of them now being, or the sums. high treasurer, or any three or more of the commissioners of the treasury for the time being; one other fourth part thereof, on or before the twenty third day of June, one thousand seven hundred and forty feven; one other fourth part thereof, on or before the twentieth day of August then next ensuing; and the remaining fourth part thereof, on or before the fixteenth day of October, then next following.

Managers to be appointed by the treasury. There shall be printed 50,000 tickets. Where any ticket shall be a prize, the ticket of the like number shall be a prize of like value. Treasury to appoint receivers, and take security. Managers to examine the books of tickets, and deliver them to the receivers. Receivers shall deliver tickets to the contributors; of which 7,150 shall be fortunate; and shall be written upon in manner following, viz. upon two, 10,000 l. upon three, 5000 l. upon five, 2000 l. upon fifteen, 1000 l. upon thirty one, 500 l. upon one hundred and fifty one, 100 l. upon three hundred and ninety eight, 501. upon fix thousand five hundred and forty five, 20 l. which fums, with 500 l. to the first drawn ticket, and 1000 l. to the last drawn, will amount to 242,900 l. which being added to 257,100 l. on the remaining 42,850 blank tickets, at 61. each, amount together to 500,000 l. which with the like fum payable in respect of the 50,000 corresponding tickets, amount together to 1,000,000 l. to be converted into annuities. Manner of drawing the lottery. Prizes to be entered in a book. A list of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Guardians may adventure infants money in the lottery; so as such infants names be in the receipts and tickets. Limitation of sale of chances, &c. Persons selling shares in tickets of which they are not possessed, to forfeit 500 l. The tickets to be exchanged for certificates. EXP.

XL. And be it further enacted by the authority aforesaid, Accomptant That the said accomptant general of the bank of England for general to give the time being, to whom the faid certificates are to be directed fums named as aforesaid, shall, upon receiving and taking in the said certi- in the certifificates, or any of them, give credit to the persons named there-cates; in, in a book or books, to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors and administrators shall and may have power to assign which may be and transfer the same, or any part, share, or proportion thereof, transferred. to any other person or persons, bodies politick or corporate and carry 4 whatfoever, in other books, to be prepared and kept by the faid per cent. inaccomptant general for that purpose; and the principal sums so terest. affigned and transferred, shall carry the said annuity of four pounds

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be cancelled, and notes given in lieu thereof.

Chief cashier

Monies for payment of the annuities to be iffued from the exchequer by way of impreft, &c.

Cashiers to make payments.

Accomptant spect the careceipts.

pounds per centum per annum, and thall be taken andidecemed tobe stock transferrable by this act, according to the powers and authority herein after mentioned, until the redemption thereof Certificates to as aforesaid; and the said accomptant general of the bank of England for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XLI. And for the more easy and sure payment of the several and respective annuities, amounting in the whole to one million, by this act authorized to be purchased as aforesaid; it is hereby further enacted by the authority aforefaid, That the faid goverand accompt- nor and company of the bank of England, and their fuccessors, ant general to shall from time to time, until the said several and respective anbe appointed. nuities, after the rate of four pounds per centum per annum, shall be redeemed according to this act, appoint and employ one fufficient person or persons within their office in the city of London, to be their chief or first cashier or cashiers, and one other sufficient person, within the same office, to be their accomptant general; and that so much of the monies, from time to time arising into the receipt of the exchequer, for the said several rates and duties by this act appropriated for this purpose, as shall be fosficient, from time to time, to answer the said several annuities, and other payments directed to be paid or discharged out of the same, shall, by order of the commissioners of his Majesty's treatury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or fuccessors for the time being, without any further or other warrant to be fued for, had, or obtained in that behalf, from time to time, at the respective half yearly feast days or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of Englandamend their successors for the time being, by way of imprest, and upon account for the payment of the faid feveral annuities to be purchased upon this act, at such times, and in fuch manner and form, as are by this act prescribed in that behalf; and that all and every such cashier and cashiers, to whom the faid monies shall from time to time be issued, shall from time to time, without delay, apply and pay the same accordingly, and render his account thereof according to the due course of the exchequer; any thing therein contained to the contrary notwithstanding.

XLII. And it is hereby also enacted, That the said accomptgeneral to in- ant general for the time being, shall from time to time, inspect and examine all receipts and payments of the faid cashier or cashiers, and the vouchers relating thereunto, in order to prevent any fraud, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of

the

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the faid several and respective annuities, after the rate of four Annuities to pounds per centum per annum, and all persons lawfully claiming be a personal under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law, statute, or custom to the contrary notwith-

itanding.

XLIII. And be it further enacted by the authority aforesaid, The monies That all monies to be advanced or contributed, or to which any contributed to person or persons shall become entitled upon this act, for or to- be a joint wards the said sum not exceeding one million, shall be deemed, stock, &c. reputed, and taken to be one capital or joint stock, on which the faid several and respective annuities, after the rate of four pounds per centum per annum, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled as aforesaid, upon this act, shall have, and be deemed to have a proportional interest and share in the faid stock, and in the annuity attending the same, at the rate aforesaid; and that the said whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be assignable and transferrable as this act transferrable. directs, and not otherwise; and that there shall constantly be kept at all seasonable times, in the office of the said accomptant Book to be general for the time being, within the city of London, a book kept for transor books, wherein all affignments or transfers of the faid whole ters. capital or joint stock, or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which entries shall be conceived in proper Entries to be words for that purpose, and shall be signed by the parties mak- signed by the ing fuch affignments or transfers; or if such parties be absent, parties transby his, her, or their attorney or attornies thereunto lawfully au- ferring and thorized, by writing under his, her, or their hands and feals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of affigning or transferring the said stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

XLIV. Provided always, That any person or persons posses- Annuities defed of such stock, with the annuity or annuities attending the viseable, &c. sames or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that fuch devisee shall receive no payment thereupon, till so much of the faid will, as relates to the faid stock or annuity, be entered in the said office; and in default of such transfer or devise, In default of the faid stock and annuities attending the same, shall go to the devise, &c. to executors or administrators; and that no stamp duties whatsoever executors. shall be charged on the said transfers, or any of them; any

other law or statute to the contrary notwithstanding.

XLV. Provided always, and it is hereby enacted by the authority

The bank to continue a company till the annuities.

thority aforesaid, That the said governor and company of the bank of England, and their successors, (notwithstanding the reredemption of demption of all or any their own funds, in pursuance of the acts for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the faid governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

No fee for payment of contributionmoney.

Transfers to be made gratis.

Penalty.

Treasury to pay the charges of executing this act, out of the duties,

and appoint falaries for the cashiers and other of-Acers.

XLVI. And it is hereby enacted by the authority aforefaid, That no fee or gratuity whatfoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the faid contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the faid feveral annuities, or any of them; and that no fee or gratuity shall be demanded or taken for any transfer, of any lum great or imall, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the fura of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record at Westminster.

XLVII. Provided always, and be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and they are hereby authorized out of the faid feveral rates and duties by this act granted and appropriated as aforesaid, to discharge all such incident charges, as shall necellarily attend the execution of this act, in such manner, as to them shall seem just and reasonable; and also to settle and appoint fuch allowances, out of the contributions aforefaid, as they shall think just and reasonable, for the service, pains, and labour of the receiver or receivers of the contributions to the faid lottery, for receiving and accounting for the same; and also such further allowances, out of the faid several rates and duties by this act appropriated, as they shall think just and reasonable, for the fervice, pains, and labour of the cashier or cashiers of the governor and company of the bank of England, for receiving, paying, and accounting for the feveral and respective anrauities, payable in respect thereof; and also for the service, pains, and labour of the accomptant general of the faid governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the faid governor and e mpany, shall be for the use and benefit of the said governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

XLVII. And

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made good.

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XLVIII. And it is hereby enacted by the authority aforesaid, Deficiencies, That if at any time or times the produce of the faid several rates &c. to be and duties shall happen to be so low or deficient as that the monies arising therefrom into the exchequer, shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subfequent half years, as the faid respective annuities shall, from time to time, become due and payable; and in case such overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every such case, the deficiencies so from time to time happening, thall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no such supplies shall be granted within six months next after fuch deficiencies shall happen, then the same shall be made good out of any the monies which at any time or times shall be or remain in the receipt of the exchequer, of the surplusses, excesses, or overplus monies, commonly called The finking fund (except fuch monies of the same sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time iffued and applied accordingly; and if at any time or times before any monies of the faid feveral rates and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the faid half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the faid finking fund (except as before excepted) and be illued accordingly.

XLIX. Provided always, and be it enacted by the authority Sinking fund aforesaid, That whatsoever monies shall be so issued out of the to be replaced. said finking fund, shall from time to time be replaced by and out

of the first supplies, to be then after granted in parliament.

L. Provided always, and be it further enacted by the autho- Surplus mority aforesaid, That in case the monies arisen, or to arise into nies how to be the receipt of his Majesty's exchequer, of or for the rates and applied. duties by this act granted, shall be more than sufficient to anfwer and pay the feveral annuities by this act charged thereupon, it shall and may be lawful to and for the faid commissioners of the treasury, or any three or more of them now being, or the faid high treasurer, or any three or more of the commissioners of the treasury for the time being, and they are hereby respectively authorized and required, from time to time, to iffue and



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> pay, out of the furplus money of the faid rates and duties by this act granted as aforesaid, so much money as shall, from time to time, be wanting to make good any deficiency that shall or may happen in the produce of the rates and duties upon houses, windows, or lights, granted to his Majesty, his heirs and successors, by one other act of this present session of parliament; any thing herein contained to the contrary in any wife notwithstanding.

Clause of redemption.

LI. Provided also, and be it further enacted by the authority aforesaid, That at any time upon one year's notice to be printed in the London Gazette, and affixed upon the Royal Exchange in London, by authority of parliament, at any of the half yearly feast days, for payment of the said respective annuities, and upon repayment by parliament, of the respective principal sums, for which the faid respective annuities, shall be payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the fame annuities; then, and not till then, the said respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the faid feveral rates and duties, shall not be issued or applied to any use or purpose, but as shall be directed by future act or acts of parliament; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inferted in the London Gazette, and affixed on the R yal Exchange in London as aforefaid, shall be deemed and adjudged to be sufficient notice, within the words and meaning of this act.

LII. And it is hereby enacted by the authority aforefaid, That if any person or persons shall be molested or prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and General iffue. may plead the general iffue, and give this act, and the special matter in evidence for his, her, or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonfuited, or judgement shall be given against him or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to them awarded against such plaintiff or plaintiffs.

Treble costs.

### CAP. XI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. Exp.

## CAP. XII.

An act for repairing the high road leading from the city of Durham, in the county of Durham, to Tyne Bridge in the faid county.

Certain tolls granted for 21 years.

### CAP. XIII.

An act for repairing the road from Sunderland near the fea, to the city of Durham, in the county of Durham.

Certain tolls granted for 21 years.

CAP.



# 1747.] Anno vicesimo Georgii II. c. 14-16.

## CAP. XIV.

An act for opening, cleanfing, repairing, and improving the baven of Southwould in the county of Suffolk.

WHEREAS there bath been, for time out of mind, a seaport or harbour for shipping at Southwould in the county of Suffolk, which is situated very conveniently, not only for the safeguard and preservation of ships and vessels navigating in the British seas, but also for the importation and exportation of many useful wares and commodities, and for the benefit of trade and commerce in general: and whereas the road or haven, lying before and without the said port or harbour, is so choked up or obstructed with sand, as to prevent any loaded ships or vessels (except such as are of very small tonnage or burthen) from passing into or out of the said harbour: to the end therefore that the said haven, port, or harbour may be opened, cleansed, repaired, and improved, so as to render the same safe and commodious for shipping, and of publick benefit and utility to the trade and commerce of this kingdom; be it enacted, &c.

From 25 March, 1747, for 21 years, &c. there shall be paid, for every English vessel which shall sail into the harbour, and neither load nor unload there, 1 d. 2 q. per ton, according to their light bills. For every chaldron of coals, culm, and cinders, landed from any English ship in the faid port, 1 s. For every last of wheat, rye, barley, malt, oats, and other grain, exported or imported, 18. For every ton of rock falt, 18. For every hogshead of wine, brandy, or other spirituous liquor, 1 s. For every ton of chalk, other than for improving land, 1 d. For every firkin of butter and weigh of cheese, r d. For every ton of grocery wares, and other goods (fish, butter and cheese excepted) 1 s. 6 d. For every ton of lead, is. For every foreign ship which shall sail into the harbour, and not load nor unload there, and for all goods exported or imported, out of any foreign ship in the port, double duties. Duties may be levied by distress and fale. No ship to be cleared at the custom house, 'till a certificate is produced of the payment. Monies to be applied towards cleaning and improving the harbour. Trustees to state their accounts yearly. Bailiffs, &c. of Southwould to be present at the making up the accounts. Trustees may contract for cleaning, &c. the harbour; and may borrow money on the duties. New trustees may be chose in the room of those who are dead, &c. No person to throw rubbish into the harbour, under penalty of 40 8.

### CAP. XV.

An act for repairing, improving, and maintaining the publick conduits, and other water-works, belonging to the town of Southampton.

### CAP. XVI.

An act for enlarging the term and powers granted by several acts of parliament passed for repairing the highways between Wymondham and Artleborough, and from Wymondham to Hetherset, and from the mouth of Wigmore Lane, to Hall Walk Gate in Attleborough, in the county of Norfolk; and for amending the other roads adjoining to the highways directed to be repaired by the said former acts, and making the said acts more effectual.

Former acts y Will. 3. c. 26. &c. continued for 21 years.



Anno vicesimo GEORGII II. C. 17, 18.

## CAP. XVII.

An act for enlarging the term and powers granted by two acts of parliament for laying a duty of two pennies Scots upon every pint of ale and beer brewed and vended within the town of Dundee, and the liberties and suburbs thereof, for the purposes in the said acts and this present act mentioned.

The duty of excise continued to the town for 25 years.

## CAP. XVIII.

An all for the better preservation and improvement of the river Wear, and port and baven of Sunderland, in the county of Durham.

wale.

3 Geo. 1. pri- TTTHEREAS the town of Sunderland near the sea, situate on the river Wear, in the county of Durham, is well inhabited by rich and able merchants and tradesmen, and may be of great importance, as well for his Majesty's service and revenue, as for the publick benefit of the kingdom, having a port or haven capable of containing many hundred fail of ships at one time, and from whence may be loaded and sent great numbers of ships with coals, salt, glass, and other merchandizes, to divers places within this realm, and also to foreign parts; and divers kinds and forts of merchandizes may be imported in the said port or haven, whereby not only a great revenue will yearly arise to his Majesty, but there will be also a constant nurfery and supply of able seamen to serve on board the royal navy, and great numbers of poor people may be constantly employed in and about work and trade of the faid river and port: and whereas by an all passed in the third year of the reign of his late majesty King George the First, intituled, An act for the preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham, certain persons in the said act named, were named, constituted, and appointed commissioners of the said river, port, and haven, within the limit:, with the powers, and for the purposes therein mentioned, for and during the term of twenty one years; and for the effectual cleansing and preserving the said river, port, and haven, certain duties were by the faid all granted and made payable from and after the twenty fourth day of June, which was in the year of our Lord one thousand seven hundred and seventeen, and to have continuance for the space of twenty one years then next following: and whereas another all passed in the thirteenth year of the reign of his late majesty King George the First, For the more effectual preservation and improvement of the river Wear, and port and haven of Sunderland, in the county of Durham, whereby divers additional powers were granted to the faid commissioners: and whereas the said commissioners, in pursuance and in execution of the powers by the said acts given to them, did, before the expiration of the said term thereby limited (which was on the twenty fourth day of June, in the year of our Lord one thousand seven hundred and thirty eight) at a very great charge, erect a pier and a key at or near the mouth of the said river, on the south side thereof, and did divers other acts, for the opening, cleansing, scouring, and improving

13 Geo. 1. private.



# 1747.] Anno vicesimo Georgii II. C. 18.

of the said river, port, and haven, from whence some benefits and advantages have arose; and in order to have more effectually cleansed, scoured, and preserved the same, the said commissioners proposed and intended to have lengthened the faid pier, and also to have built a pier or piers, key or keys, wall or walls, jettee or jettees, on the north fide of, and to have made and done other works near the mouth of the said river, port, or haven; but the money arising from the duties laid and made payable by the said first mentioned act, not being sufficient to make and perform such additional works within the term by the said former acts limited, the mouth of the said river, port, or harbour, for want thereof, is still very much choaked by sand thrown up, and brought into, and lodged in the faid harbour by the fea; and also by means of great banks of sand, gravel, rubbish, and other gross matter washed and brought down to, and lodged in the same, by land floods, and other accidents; and also by throwing ballast, coal ashes, rubbish, and other gross matter within the said river, port, or barbour; and by the irregular and low building, and want of repairing of wharfs, staiths, and keys, on or near the Said river; but more especially for want of such pier or piers, key or keys, wall or walls, jettee or jettees, at or near the mouth of the said river, port, or haven to scour and cleanse the same, so that the depth of water at the mouth of the said river is not yet sufficient for loaden ships and vessels to come into, or go out of, the same, whereby the navigation and trade of and in the faid river, port, or haven, is very much prejudiced, hindered, and obstructed: and whereas the lengthening the present pier, and erecting and building a pier or piers, key or keys, jettee or jettees, and making and performing other works at or near the mouth of, and on other convenient parts of the said river, will be a means of deepening, cleansing, and rendering the same more navigable; and the preventing ballast, coal ashes, stones, sand, rubbish, and other gross matter, being washed into the said river, port, or baven, and the removing and preventing other the abuses and inconveniencies aforesaid, will be a means of preserving the said river, port, or haven, so that, at all times thereafter, leaden ships or vessels of a considerable burden may ride in, and sail into, and out of, the Same, at all tides; which will be a means of reducing and keeping low the prices of coals at London, and other the delivering-ports within this kingdom, and will very much tend to the encouragement and increase of navigation and trade; which said undertaking and works, to finish and complete the same, will cost a very considerable fum of money: to the end therefore that the faid river, port, and haveneof Sunderland aforesaid may be further improved, and the faid pier already built, lengthened, and fuch other pier or piers, key or keys, jettee or jettees, and other works may be erected, built, made, and performed, as at any time hereafter shall, by the commissioners hereby or hereafter to be appointed, be adjudged for the advantage or improvement of the faid river, port, or haven; and that the same may be preserved and kept in repair, may it please your Majesty, that it may be enacted, &c.

Commissioners appointed for 21 years. Not less than 7 commissioners to be at a meeting. Commissioners impowered to remove and appoint offi-



cers. No commissioner to hold any of the offices. In case of death or incapacity new commissioners to be chosen. Commissioners may purchase or take leafes of lands, &c. and lengthen and erect piers, &c. on fuch lands, &c. and employ workmen, and keels, &c. to remove obstructions; provided no grounds, &c. are damaged, nor the highway from Monk Wearmouth to Whitburne stopped. Commissioners to determine all differences. River to be made navigable between Biddick ford and Newbridge. Commissioners, in cases of abuses, &c. to summon the persons complained of. Jury to enquire into the offences. Commissioners, on the jury's verdict, to order persons offending to remove obstructions, &c. on penalty of 5 l. per month. Landlords, when ordered to remove obstructions, not to be guilty of trespass, &c. Indictments in cases of nusances, &c. may be preferred as before this act passed. Penalty on person offending by emptying rubbish, not to exceed 51. Persons emptying rubbish, &c. from one vesfel to another, &c. to have proper stages, or port sails. The coal owners shall pay any sum not exceeding 1 d. 2 q. for every chaldron, during 21 years, brought down for them to the river; and in proportion for any greater or less quantities. The fitters not exceeding 2 q. Commissioners impowered to borrow money on the duties. Works erected by this act, becoming ruinous, not to be deemed nulances. Commissioners may make by-laws, &c. to be approved of by the justices; and to be in force till repealed by the commissioners, &c. Saving clause in favour of the bishop of Durham, and of the owners of ferry-boats, &c.

## CAP. XIX.

An act for the better adjusting and more easy recovery of the wages of certain servants; and for the better regulation of such servants, and of certain apprentices.

WHEREAS the laws now in being, for the better regulation of servants, and for the payment of wages to them, and to artificers, handicraftsmen, and labourers, are insufficient and defective :: for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and after the twenty fifth day of March, which will be in the year of our Lord one thousand seven hundred and forty seven, all complaints, differences, and disputes, which shall happen or arise between mafters or miftreffes, and fervants in husbandry, who shall be hired for one year, or longer, or which shall happen or arise between masters and mistresses, and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for any certain time, or in any other manner, shall be heard and determined by one or more justice or justices of the peace of the county, riding, city, liberty, town corporate, or place, where such master or mistress shall inhabit, although no rate or assessment of wages has been made that year by the justices of the peace of the shire, riding, or liberty, or by the mayor, bailiffs, or other head officer, where such complaints shall be made, or where such differences or disputes shall arise; which faid justice or justices is and are hereby impowered to examine upon oath, any fuch fervant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, and make or- or any other witness or witnesses, touching any such complaint. difference or dispute, and to make such order for payment of so much

Differences between mafters and certain fervants, to be determined by a juffice of peace where the master refides.

Justices to examine fervants, &c. upon oath,

der for payment of wages

#### Anno vicesimo GEORGII II. C. 19. 1747-]

much wages to such servant, artificer, handicraftsman, miner, due, if under collier, keelman, pitman, glassman, potter, or other labourer, a certain sum. as to fuch justice or justices shall seem just and reasonable, provided that the fum in question do not exceed ten pounds with regard to any servant, nor five pounds with regard to any artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer; and in case of refusal or nonpayment on nonpayof any sums so ordered, by the space of one and twenty days ment, to be next after such determination, such justice and justices shall and levied by dimay iffue forth his and their warrant to levy the same by distress stress and sale. and fale of the goods and chattels of such master or mistress, or person employing such artificer, handicraftsman, miner, collier, keelman, pitman, glaffinan, potter, or other labourer, rendering the overplus to the owners, after payment of the charges of fuch diffress and sale.

II. And be it further enacted by the authority aforesaid, That Justices to hear it shall and may be lawful to and for such justice or justices, up- masters comon application or complaint made, upon oath, by any mafter, plaints on mistress, or employer, against any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, touching or concerning any misdemeanor, miscarriage, or ill-behaviour, in such his or her service or employment (which oath such justice or justices is and are hereby impowered to administer) to hear, examine, and determine the same; and and to punish to punish the offender by commitment to the house of correction, the offender there to remain and be corrected, and held to hard labour for a by commitreasonable time, not exceeding one calendar month, or other- ment, abatewife by abating some part of his or her wages, or by discharging wages, or disfuch servant, artificer, handicraftsman, miner, collier, keelman, mission. pitman, glassman, potter, or labourer, from his, her, or their fervice or employment: and in like manner also it shall and may Justices to be lawful to and for fuch justice or justices, upon any complaint hear servant's or application, upon oath, by any fuch fervant, artificer, handi-complaints on craftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, against such master, mistress, or employer, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ill-treatment of, to, or towards such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, and to summon such master, and to summistress, or employer, to appear before such justice or justices, mon the mar at a reasonable time to be prefixed in such summons; and such justice or justices shall and may examine into the matter of such complaint, whether such master, mistress, or employer shall appear, or not; proof being made, upon oath, of his or her being duly summoned; and upon proof thereof made, upon oath, to and upon sahis or their satisfaction, to discharge such servant, artificer, handi-tisfactory craftsman, miner, collier, keelman, pitman, glassman, potter, proof, to disor other labourer, of and from his faid service and employment; servant. which discharge shall be given under the hand and seal, or hands and feals, of fuch justice or justices gratis. III. And be it further enacted by the authority aforesaid,

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That

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Justices upon complaint of certain apprentices,

to fummon the master, &c.

and upon fatisfactory proof, to difcharge the apprentice.

Justices upon complaint of matters a-gainst ap-prentices,

and proof upon oath, to punish the offender by commitment, &c.

Persons aggrieved may appeal. Exception.

Costs not to

No writ of Certiorari.

VI. Provided also, and be it further enacted by the authority aforesaid, That no writ of Certiorari, or other process, shall issue or be issuable to remove any proceedings whatsoever, had in pursuance of this act, into any of his Majesty's courts of record at Westminster.

ot VII. Provided always, That nothing in this act contained thall extend to the stannaries in the counties of Devon and Corn-

That it shall and may be lawful to and for any two or more such justices, upon any complaint or application by any apprentice put out by the parish, or any other apprentice, upon whose binding out no larger a sum than five pounds of lawful British money was paid, touching or concerning any misusage, refusal of necessary provision, cruelty, or other ili-treatment of or towards such apprentice, by his or her master or mistress, to summon such master or mistress to appear before such justices at a reasonable time to be named in such summons; and such justices shall and may examine into the matter of such complaint; and upon proof thereof made, upon oath, to their satisfaction (whether the master or mistress be present or not, if service of the summons be also, upon oath, proved) the said justices may discharge such apprentice, by warrant or certificate under their hands and seals; for which warrant or certificate no sees shall be paid.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for such justices, upon application or complaint made, upon oath, by any master or mistress, against any such apprentice, touching or concerning any misdemeanor, miscarriage, or ill-behaviour, in such his or her service (which oath such justices are hereby impowered to administer) to hear, examine, and determine the same, and to punish the offender by commitment to the house of correction, there to remain and be corrected, and held to hard labour for a reasonable time, not exceeding one calendar month, or otherwise by dis-

charging such apprentice, in manner and form before mentioned.

V. Provided nevertheless, That if any person or persons shall think himself, herself, or themselves aggrieved by such determination, order, or warrant of such justice or justices as aforesaid (save and except any order of commitment) he, she, or they may appeal to the next general quarter sessions of the peace to be held for the county, riding, liberty, city, town corporate, or place where such determination or order shall be made; which said next general quarter sessions is hereby impowered to hear and finally determine the same, and to give and award such costs to any of the respective persons, appellant or respondent, as the said sessions shall judge reasonable, not exceeding forty shillings; the same to be levied by distress and sale in manner before mentioned.

Stannaries not included. Shall 27 Geo. 2. c. 6. wall.



# 1747.] Anno vicesimo Georgii II., C. 20.

## CAP. XX.

An att for relief of such of his Majesty's loyal subjects, in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion.

HEREAS a most audacious and wicked rebellion was lately raised and carried on against his Majesty in favour of a popish pretender, and in prosecution thereof many persons assembled in a traiterous and hostile manner, marched into several parts of this kingdom, took possession of several towns, and raised contributions upon the country, and committed many ravages and devastations upon the estates and effects of his Majesty's faithful subjects, in support of their rebellious insurrection; and in that part of Great Britain called Scotland, proceeded in a malicious, cruel, and barbarous manner, against several of his Majesty's subjects, who distinguished themselves by their zeal and loyalty to his Majesty's person and government at that critical juncture, by destroying or carrying off the rights and securities of their lands and heretages, and by destroying or carrying off their other writs and evidents, the instructions of the payment, and extinction of the debts and incumbrances, affecting their persons and estates, to the ruin of his Majesty's said loyal subjects, and of their families and posterity, and to the discouragement of the like zeal and loyalty to his Majesty, and his royal successors in future times, unless a proper remedy is provided by authority of parliament; be it therefore enacted, &c.

Persons in Scotland, who continued in their duty to his Majesty, and whose houses were invaded by the rebels, may on or before 1 July, 1750. petition the court of session. The court of session to intimate the same; and summon persons interested. Execution of summons to be recorded. The day of compearance elapsed, the court to take probation of the facts. Petitioner's oath to be taken. Original petitioner dying, the oath of his heir to be admitted. Lords of the session, upon proof of the premisses, to decern the extracts of the charters, &c. to be valid as the originals. Court of session to make up the tenor of the dispositions upon which the petitioner's infeftments proceeded, &c. Extracts of the charters, &c. authorized by the lords of festion to be good in law. Persons interested may object to the authorizing the extracts, &c. Claims to his Majesty, or any other persons, preceding I August, 1745, against the person or estate of any loyal subjects, whose dwelling-houses were invaded by the rebels, and whose writs were carried off or destroyed, upon which no process has been already commenced, or shall not be brought on or before the 15th of 'November, 1748, are discharged, unless the claim be proved by the oath of the defendant. Determinations to be recorded. Amended by 21 Geo. 2. c. 17.

E 2. CAP.



# CAP. XXI.

Anno vicesimo GEORGII II. C.21, 22.

An act for holding the summer assizes, and sessions of the peace, for the county of Norfolk, in the city and county of Norwich, until a new shire house can be built for the said county of Norfolk; and for building a new shire house on the castle hill in the same county; and for raising money on the said county for that purpose.

WHEREAS the shire house of the country of Norfolk, late situate on the castle hill in the said county, in which the summer assizes, and general quarter sessions of the peace of and for the said county, have been always holden, and other publick business of the said county transacted, bath, by accident, been lately entirely burnt down: and whereas it is absolutely necessary, that a new shire house should be erected there for the purposes aforesaid; but the same cannot be rebuilt, completed, and finished, against the next summer assizes to be holden for the said county of Norfolk, which will be in the year of our Lord one thousand seven hundred and forty seven; and there is no place so convenient for the holding fuch summer assizes, and the general quarter sessions of the peace, and for transacting other publick business for the said county of Norfolk, as the city of Norwich, which lies in or near the centre of the said county; but the said city being a county of itself, distinct from the said county of Norfolk, the said affizes, or sessions of the peace for the said county of Norfolk, cannot, by any law now in being, be held within the faid city and county of Norwich: and whereas the mayor, sheriffs, citizens, and commonalty of the said city of Norwich, in common council assembled, have consented to the holding of the said assizes and sessions within the city and county of Norwich aforesaid; be it therefore enacted, &c.

The summer affizes, and sessions of the peace for the county of Norfolk to be held at Norwich. The shire house of Norfolk to be rebuilt, &c. at the county charge. Quarter sessions to contract for building thereof. Money to be raised by a general rate.

## CAP. XXII.

An act for building a bridge cross the river Thames, from the parish of Walton upon Thames in the county of Surrey, to Shepperton in the county of Middlesex.

Samuel Dicker esquire, impowered to build a bridge from Walton to Shepperton. Open passage to be left for the water to pass 212 feet. Burning or destroying the bridge, or taking away, &c. any of the works, selony. Pontage to be paid. For every coach, or other vehicle, drawn by Shorses, 2s. by 4 horses 1s. 6d. by less than 4 horses, 1s. For every waggon, cart, or carriage drawn by 4 horses or oxen, 1s. 6d. and by less than four, 1s. For every horse, &c. not drawing, 1d. For every foot passenger, 2q. For every drove of neat cattle, 12d. per score. For every drove of calves, hogs, sheep, or lambs, 6d. per score. Tolls veited in Mr. Dicker, to be paid but once a day. Owners names to be set on the outside of every vessel, and the name of the town and parish where he belongs. The bridge to be deemed extraparochial. Surrey and Middlesex exempted from repairing the bridge. Rights of the mayor and city of London saved.



# 1747-]

## CAP. XXIII.

An act for repairing the road leading from Cirencetter, in the county of Gloucester, to Birdlip's Hill, in the said county.

Certain tolls granted for 21 years.

# CAP. XXIV.

An att for the better securing the payment of shares of prizes taken from the enemy, to the royal hospital at Greenwich; and for preventing the embezzlement of goods and stores belonging to the said bospital.

THEREAS by an act made in thirteenth year of his present 13 Geo. 2. c. 4. Majesty's reign, intituled, An act for the more effectual fecuring and encouraging the trade of his Majesty's British subjects in America; and for the encouragement of leamen to enter into his Majesty's service, the sole interest and property of and in all and every ship, vessel, goods, and merchandizes taken from the Spaniards is given to the flag officers, commanders, and other officers, seamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, and privateer; (being first adjudged lawful prize in any of his Majesty's courts of admiralty in Great Britain, or in his plantations in America, or elsewhere) and divers rules and regulations are therein established for the adjudication and condemnation of prizes taken from the Spaniards; and by the said act a bounty is given to the officers, Seamen, marines, Soldiers, or others, - that shall have been actually on board such of his Majesty's ship or Ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateer, shall be taken from the enemy, sunk, burnt, or otherwise destroyed: and whereas by an all made in the seventeenth year of his said present Majesty's reign, intituled, An act 17 Geo. 2. for the better encouragement of seamen in his Majesty's service, c. 34. and privateers, to annoy the enemy; it was found necessary, that the same encouragement should be given for the captors of French ships, vessels, goods, and merchandizes, and the same rules and regulations should be observed in the adjudication and condemnation of prizes taken from the French: and to the end that his Majesty's most gracious intentions might have full force and effect, and for the better carrying on the said war again? France with vigour, and for the encouragement of the officers and seamen of his Ma'esty's Ships of war, and the officers and seamen of all other British ships and vessels, having commissions, or letters of marque; and for inducing all British feamen, who might be in any foreign fervice, to return into this kingdom, and become serviceable to his Majesty; and for the more effectual securing and extending the trade of his Majesty's subjects, it was enacted, That the flag officers, commanders, and other officers, Scamen, marines, and soldiers on board every ship and vessel of war in his Majesty's pay, should have the sole interest and property of and in all and every ship, vessel, goods, and merchandires, which trey had taken on or fince the twenty ninth day of March, in the year of our Lord one thousand seven hundred and forty four, or should ther enfter E 3



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Anno vicesimo GEORGII II. C. 24. 1747. take (being first adjudged lawful prize in any of his Majesty courts of admiralty in Great Britain, or his plantations in America, or elsewhere) to be divided in such proportions, and after such manner, as his Maje-Sty, by bis declaration bearing date the twenty ninth day of March, one thousand seven bundred and forty four, had ordered and directed, or in such proportions, and after such manner, as his Majesty, his heirs and successors, should think fit to order and direct by proclamation or proclamations thereafter to be issued for that purpose; and by the said att a bounty is likewise given to the officers, seamen, marines, soldiers, or others, that shall have been actually on board such of his Majesty's ship or ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, should be taken from the enemy, sunk, burnt, or otherwise destroyed: and it was further enacted, That after the sale or sales of such prize or prizes as should be taken from the enemy by any of his Majesty's ships of war, publick notification should be given by the persons or agents appointed as thereby is directed, of the day appointed for the payment of the several shares of the captors aforesaid; after which publick notification, if any mens shares should remain in the hands of the persons or agents appointed as aforesaid, either belonging to such men as should be run from his Majesty's service, or which should not be legally demanded within three years; then such share or shares so remaining in the persons or agents hands, or belonging to such men as should run from his Majesty's service, should go and be paid to the use of Greenwich Hospital: and whereas by the above recited att of the thirteenth year of his present Majesty, the shares of frizes belonging to run-menare not expresty granted to Greenwich Hospital, whereby the said hospital loseth the benefit of all such shares of run-men, of and in all prizes taken from the Spaniards, on or fince the fourth day of January, in the year of our Lord one thousand seven hundred and thirty nine, in Europe; and on or fince the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty, in any other part of the world; and some doubt may arise whether the shares of prizes belonging to men running from their ships, after adjudication and condemnation of such prizes, shall be forfeited by the said clause in the said last recited &: for remedy whereof, and to the intent that all and every the shares of prizes belonging to run-men, as well after as before adjudication and condemnation, and as well those taken from his Majesty's enemies, on or since the fourth day of January, in the year of our Lord one thousand seven hundred and thirty nine; in Europe, and on or fince the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty, in any other part of the world, as those taken on or fince the twenty ninth day of March, one thousand seven hundred and forty four, may be given, and go to, and be paid to the use of Greenwich Hospital aforesaid; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person or persons who, on the fourth day of January, in the year of Lord one thousand seven hundred and thirty nine,

Persons serving on board the fleet, &c. fince 4 Jan, 1739.

#### Anno vicesimo Georgii II. C. 24. I747-]

or at any time fince did belong, or now does or do belong, or at any time hereafter shall belong, to any of his Majesty's ships or vessels of war, or to any merchant ship employed in his Majesty's service, and hath or have, at any time heretofore, or shall who shall quit at any time hereafter, run away, or withdraw him-or themselves their ships, from the ship or vessel by which any prize or prizes shall be taken from any of his Majesty's enemies, or otherwise from his Majesty's service, before or after notification shall be given by the persons or agents appointed as aforesaid, of the day appointed for the payment of the several shares to the captors of the faid prize or prizes, shall have, or be intitled to have or claim to forfeit their any interest in, or benefit of the said share or shares of the said claim, prize or prizes, or the bounty-money aforesaid, or any part thereof; but such share and shares of such prize and prizes, and to the use of bounty-money, shall go and be paid to the use of Greenwich Greenwich Hoipital. Ho/pital.

II. Provided always, That if any person or persons shall or share of the do run away, or withdraw him or themselves from any such Prize money ship or vessel as aforesaid, after notification given as aforesaid, in the agents he or they shall only forfeit and lose such part of his and their hands to be only forfeited. share and shares of the said prize and prizes, and bounty-money, as shall be remaining in the said agent or agents hands, at the time of his and their running away, or withdrawing him or themfelves; any thing herein before contained to the contrary thereof

in any wife notwithstanding.

III. And as several persons may have bought the shares of prizes of run-men, for a consideration a great deal under the real value thereof, which hath much encouraged Seamen to quit and leave their ships, and his Majesty's service; be it enacted by the authority Persons who aforesaid, That the vendee or vendees, assignee or assigns of shares of prizes fuch share and shares, and bounty-money, or either of them, of run-men, as is and are, or shall be, on or before the first day of June, in the year of our Lord one thousand seven hundred and forty seven, bona fide actually bought and affigned, shall, on the payments of the same, be allowed the full consideration-money, he on or before and they really and bona fide gave for the same, and interest af- 1 June, 1747, ter the rate of five pounds per centum, which shall have accrued to be allowed the consideradue from the day of the payment of the faid confideration-tion-money, money, to the time or times of payment of fuch share and and interest, shares, and bounty money, according to the direction of this at 51. per cent. act, or the several acts herein recited, or any of them, and no more, and that the furplus of the faid share and shares, and the surplus of bounty-money, in the faid agents hands, after the real confi- fuch shares, deration and interest for the same shall have been paid and sa- &c. to be paid tisfied, shall be paid to the treasurer of the said royal hospital at to the treasu-Greenwich, or his deputy or agent, for the use of the same; and rer of Green-wich, or his deputy or agent, for the use of the same; and wich Hospital. for the better ascertaining the whole and true sum of the consideration-money bona fide paid, the vendee or assignee of every fuch share of run-men now actually bought, if living, and if Affidavit to be dead, then his and their respective representative and represen- made of the tatives to the best of their knowledge and belief, shall make an sum of consi-

**§**5

affidavit deration mo-

Anno vicesimo Georgii II. c. 24.

affidavit before some or one of the judges of the courts of King's Bench, or Common Pleas, at Westminster, or before some or one

and the time of executing the affignments.

Penalty on making false affidavits,

No bill of fale &c. to be valid, where the money is not inferted, and attested on oath.

Bills of fale, &c. of prizes, made after I June, 1747, to be void.

of the barons of the Exchequer, or some commission er of the same courts in the country in Great Britain, and in any other parts of his Majesty dominions, before some or one of the judges of the courts of law or equity there, or before some other person or persons authorized by those courts to take affidavits, of the real confideration-money paid for the faid share or shares, and of the true and real days and times of the execution of such affignments by the affigners thereof, and which affidavits fo fworn and taken, shall be filed in the faid courts where sworn; and all persons who shall wilfully and corruptly swear falsly in such affidavits, shall be guilty of, and tried, and punished as for wilful and corrupt perjury; and that no bill of sale or assignment now made and executed, or which shall be made and executed on or before the faid first day of June, of the share and shares of any prize or bounty-money to which fuch persons as aforesaid are or shall, before the said first day of June, be intitled, shall be deemed good and valid in law or equity, wherein the confideration-I true or real fum and fums of money given and paid for fuch share and shares to the said captor or captors, vendor or vendors thereof, hath or have not been, or shall not be inserted in the faid bill of fale or affignment before the execution thereof, and proved on oath in manner aforefaid. IV. And for the future preventing such impositions on sea-

men, marines, and foldiers, and thereby encouraging them to quit and leave their ships, and his Majesty's service; and for better encouragement of feamen, marines, and foldiers to continue in his Majesty's service, be it further enacted, That all and every bargain, sale, bill of sale, contract, agreement, and assignment whatsoever, of, for, or concerning any share or shares of any prize or prizes taken or to be taken from any of his Majesty's enemies, by any of his Majesty's ships or vessels of war, or by any merchant ship employed in his Majesty's service, or having letters of marque, or of, for, or concerning any share or shares of any bounty-money given in and by the said recited acts, where any ship or ships of war or privateers belonging to his Majesty's enemies should be taken, sunk, burnt, or otherwife destroyed, which shall at any time after the said first day of June, be made or entered into, shall be, and is and are hereby declared to be void and of none effect, to all intents and purpoles whatloever; any law, statute, custom, or usage, to the

contrary thereof in any wife notwithstanding.

Agents to pay the captors, &c. their fhares, &c. without regard to bills of fale, &cc.

V. And the said persons, or agents for prizes, appointed as by the said recited acts are directed, are hereby respectively authorized, directed, and required to pay, or cause to be paid to all fuch seamen, marines, and soldiers, as shall appear in perfon, or in their absence to their lawful attornies, impowered by them respectively, in the manner as is herein after directed, or to the executors or administrators of such seamen, marines, and soldiers, or their respective attorney or attornies, duly authoriz-



#### Anno vicesimo Georgii II. C. 24. 1747-]

ed in such manner as is herein after directed, the respective thare or thares of fuch prize or prizes, and bounty-money as aforefaid, respectively due to them, without regard to any bargain, sale, bill of sale, contract, agreement, or assignment whatloever, hereafter to be made of, for, or concerning the same.

VI. And be it further enacted, That no letter of attorney, After : June, from and after the said first day of June, made by any seaman, 1747, letters marine, or foldier, belonging to any of his Majesty's ships or of attorney to vessels of war, or to any merchant ship in his Majesty's service, be made revoor otherwise in the service of his Majesty, his heirs or successors, or having letters of marque, or belonging to any privateer, or by the executors or administrators of any such seaman, marine, or foldier, in order to impower and intitle any person or perfons to receive any share or shares of any prize or prizes, or bounty-money as aforesaid, of any kind whatsoever now due, or at any time hereafter to grow due to any seaman, marine, or foldier, shall be good and valid, and sufficient for that purpose, unless such letter of attorney be made revokable, and for the use of such seaman, marine, or soldier making the same, and and attested unless the same be signed and executed before, and attested by by the capthe captain or commander, and one other of the warrant or figning officers of the ship to which such seaman, marine, or foldier making the same shall belong, or the clerk of the cheque of one of his Majesty's dock-yards, or the mayor or chief ma-

gistrate of some corporation.

VII. And whereas neither by the faid recited att of the thirteenth year of his present Majesty's reign, nor by the said att passed in the said seventeenth year of his said Majesty, any sufficient provision is made to oblige such agents, or other persons, to discover and duly account for the money remaining in their hands, due or to become due and payable to the said hospital: now, for the better and more effectual preserving and securing all such interest and shares of the said prizes, given and granted by the above recited acts, or either of them, and hereby given and granted to and for the use of the faid hospital, and for the more certain collecting and receiving the same; be it enacted by the authority aforesaid, That Agents, &c. all and every person and persons, agent and agents, and others, to transmit an who have fold and disposed of, or shall hereafter sell or other- account to the wise dispose of, any prize or prizes so taken as aforesaid, or treasurer of which hereafter shall be so taken from any of his Majesty's ene- Greenwich Hospital, withmies, shall, within the space of three calendar months next in 3 months after the day to be appointed for the first payment or distribu- after the first tion to the captors of such prize or prizes, made in pursuance payment, of of such publick notification, make out and transmit, or deliver the produce of unto the treasurer of the said royal hospital at Greenwich for the time being, or to such person or persons as he shall for that purpose depute or appoint, a true state and account in writing, under the hand or hands of fuch agent or agents, or person or persons so employed, of the produce of all such prize and prizes and of the as aforesaid, together with an account of the payments of the payments of several shares of the captors, as shall then have been really and the shares.

bona Pe. ions ap-

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bounty, to tranimit a like account.

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pointed to re-bona fide by him or them respectively paid; and also that all and coive bills for every person and persons authorized and appointed by the said acts, or this present act, to receive bills for the bounty granted by the faid recited acts, shall, within the like space of three calendar months next after the day appointed for the first payment or distribution of such bills for the bounty as aforesaid, in like manner make out and transmit, or deliver to the treasurer for the time being of the said hospital, or to his sufficient deputy, a true state and account in writing, under his or their hand or hands, of the payment and distribution of such bills; and further, that all and every person and persons, agents, and others, that by virtue of the faid acts hath or have fold and difposed of, or that shall hereafter sell or dispose of any prize or prizes taken from the enemy, or which shall at any time or times hereafter be taken from the faid enemy by any of his Majesty's ships or vessels of war, or that shall receive or dispose of any bill or bills for bounty, such person and persons, agents, and others, so selling and disposing thereof, shall, within the space of three calendar months next after the expiration of the term of three years limited by the faid acts, make out an exact account in writing, of the produce of such prize and prizes, bill and bills for bounty, as also of the payments of the several account of the shares to the respective captors, together with a true and just account, upon oath, to be taken before the treasurer of the said hospital for the time being, or any other person or persons by him for that purpose deputed and authorized in writing, under his hand and seal (which oath the said treasurer of the said hospital, and his sufficient deputy and deputies authorized as aforefaid, is and are hereby authorized and impowered to administer) of all sum and sums of money as shall be then remaining in fuch agent or agents, or persons custody, power, or possesand to deliver sion; and shall at the same time deliver, or cause to be delivered, to the treasurer of the said hospital for the time being, or to his fufficient deputy or agent, the faid accounts so attested upon oath as aforesaid, together with all such remaining sum and sums of money, then so left and remaining in his or their hands as aforesaid, taking from the said treasurer, or his proper deputy or agent, his or their acquittance or acquittances for the same.

within 3 months after the expiration of the 3 years limited, to make out an produce of prizes, and payments of mares;

Agents, &c.

the fame, with the fums re maining in their hands, to the treafurer of Greenwich Hospital, &c.

under penalty of 100 l.

VIII. And be it further enacted, That all and every the perfon and persons hereby directed to transmit or deliver all or any the accounts before mentioned, who shall neglect or refuse to transmit or deliver all or any such account or accounts to the treasurer of the said hospital, or his said deputy or agent, within the times before limited and appointed, in manner and form as is herein before mentioned, or who shall neglect or refuse to pay over all and every such sum and sums of money as shall remain in his or their hand or hands, power, custody, or possession, after the term of three years, to be accounted as aforesaid, shall, for every such offence, forfeit the sum of one hundred pounds, over and above the money then in fuch agents hands; one third part whereof shall belong to his Majesty, and the remain-

Disposal of the forfeitures.



#### Anno vicesimo Georgii II. C. 24. 1747.]

ang two thirds to the faid royal hospital; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record; in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

IX. And be it further enacted, That if any fraud, collusion, Persons conor deceit shall be wittingly or willingly made, used, committed, victed of makpermitted, done, or suffered, in making, stating, or ballancing ing false acany fuch accounts; then every person or persons who shall be counts, thereof duly convicted, and his and their aiders and abetters, to forfeit 1001. shall forfeit and pay, for every such offence, over and above the penalties and punithments inflicted by this, or any other or former law, the sum of one hundred pounds; one third part Disposal of the whereof to be to the use of his Majesty, and one other third to forfeiture. the use of the said hospital, and the other third to the informer who shall sue for the same; to be recovered, with costs of suit, by action of debt, bill, plaint, or information, in any court of record; in which no effoin, protection, privilege, or wager of

law, or more than one imparlance, shall be allowed.

X. And whereas by the above recited acts made in the thirteenth 13 Geo. 2. and seventeenth years of his Said present Majesty's reign respectively, c. 4. s. 15. as a further encouragement of the officers, Jeamen, marines, soldiers, 17 Geo. 2. and others on board any of his Majesty's ships of war, as also of privateers, to attack, take, and destroy any ships of force belonging to the enemy, it was enacted, That there should be paid by the treasurer of bis Majesty's navy, upon bills to be made forth by the commissioners of the navy, to be paid according to the course thereof, without fee or reward, unto the officers, Seamen, marines, Soldiers, or others, that should have been actually on board such of his Majesty's ships of war, or privateer or privateers, in any action where any ship or ships of war, or privateers, should have been taken from the enemy, funk, burnt, or otherwise destroyed, five pounds for every man which was living on board any ship or ships so taken, sunk, burnt, or otherwife destroyed, at the beginning of the engagement between them, the numbers of such men to be proved by the oaths of three or more of the chief officers or men, which were belonging to the faid ship or ships of war, or privateers of the enemy, or belonging to any of them at the time of her or their being taken as prize, sunk, burnt, or otherwife destroyed, before the mayor, or other chief magistrate of the port within any of his Majesty's dominions, whereunto any prize, or officers, or men of such ships as were sunk, burnt, or otherwise destroyed, should be brought, or before the British conful, or v ce conful, residing at any neutral port, to which such prize, or officers, or men should be brought, which caths the said mayor, or other chief magistrate of any fuch port, or conful, or vice conful, were thereby imporvered and required to administer, and should forthwith grant a certificate thereof, without fee or reward, directed to the commissioners of the navy, upon producing which certificate to the commissioners of his Majesty's navy, together with an authentick copy of the condemnation of Juch ship so taken, or if such ship be sunk, burnt, or otherwise destroyed, on producing only a certificate from the mayor, or other chief magistrate, or conful,

conful, or vice conful, as aforesaid, the said commissioners of his Majesty's navy, or such person or persons as they should appoint for that purpose, should according to the course of the navy, within fifteen days make out bills for the amount of Juch bounty, directed to the treasurer of the navy, payable to, and to be divided amongst the officers, seamen, marines, and soldiers on board his Majesty's ships of war, in manner, form, and proportion, as by his Majesty's proclamation to be iffued for that purpose, should be directed and appointed; and amongst the owners, officers, and seamen of any private vessel, or ship of war, in such manner and proportion, as by an agreement in writing they should have entered into for that purpose, should be directed: and whereas some doubt has arisen, whether such oaths, relating to the said bounty-money, and the certificate thereon granted, could be administered and granted by any mayor or chief magistrate, conful, or vice conful, of any port, other than the first port to which such prize or prizes, or officers or men should be first brought; and it has sometimes happened, that such oath and certificate could not be administered and granted at the first port where such prize or prizes, or officers or men have been brought, whereby the officers, seamen, marines, and foldiers of his Majesty's ships and vessels of war, privateer and privateers, by which the ships of his Majesty's enemies have been taken, burnt, funk, or otherwise destroyed, have been totally deprived of the benefit of the said bounty-money: for remedy oath and cerwhereof, be it enacted by the authority aforesaid, That in all tificate cannot be granted at fuch cases, where such oath and certificate could not, or herethe first port, after cannot be administred and granted at the said first port, fuch oath or oaths relating to any prize or prizes taken, or to be taken, or to any ships of his Majesty's enemies sunk, burnt, or the magistrate otherwise destroyed, or hereafter to be sunk, burnt, or otherwise destroyed, shall and may be administered and taken by and before the mayor or other chief magistrate of any port within any of of his Majesty's dominions, or by or before the British consul, or vice conful, residing at any neutral port, whereunto any prize or prizes, or officers or men of any thips belonging to his Majesty's enemies, as have been, or shall be taken, sunk, burnt, or otherwise destroyed, shall at any time hereafter be brought (proof being first made by affidavit before such person or perfons, of the inability of making such oath or oaths, and obtaining such certificate, at the said first port) and the mayor, or other chief magistrate, consul, or vice consul, shall thereupon grant fuch certificate and certificates, as by the faid recited acts are directed; which certificate and certificates shall be good and effectual to all intents and purposes, as if the same were granted by the mayor, or chief magistrate, consul, or vice consul, of the port to which fuch prize or prizes, officers or men as aforesaid, have been or shall be first brought; any thing in the

Proof to be made of their inability of making the oath, &c. in the first port. Certificate to be granted thereon.

Where an

they may be

taken before

of any other.

18 Geo. 2. c. 31. f. 6, 7.

standing. XI. And whereas by an act passed in the eighteenth year of his prefent Majefly's reign, it was enacted, That all and every perfin and

faid recited acts to the contrary thereof in any wife notwith-



### Anno vicesimo Georgii II. c. 24. 1747.]

persons who since the commencement of the present war against Spain, had, or bad been, or then were, or thereafter should be, appointed agent or agents for any prize or prizes taken by any ship or ships of war belonging to his Majesty, or for receiving the said bountymoney, and which prize or prizes bad been or should be condemned in the high court of admiralty of England, should exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents (who had not already done the same) and if any person or persons, so as aforesaid appointed agent or agents (who had not already done the same) should refuse or neglect so to do on or before the first day of August, one thousand seven hundred and forty five; or if any person or persons thereafter to be appointed agent or agents for the purposes aforesaid, should refuse or neglect to exhibit, and cause to be registered in the said high court of admiralty, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforesaid, for the space of fix calendar months after sentence of condemnation of any prize should be given in the said high court of admiralty, for the care and distribution of which he or they shall be appointed agent or agents; such person or persons so refusing or neglecting, shall forfeit the sum of five bundred pounds, to be recovered by him or them who shall sue for the same, by action of debt, plaint, or information, in any court of record in Great Britain, in which no effoin, protection, or wager of law, or more than one imparlance, should be allowed: and whereas the last above recited clause does not extend the benefit of this registry, or require the agents of prixes in bis Majesty's plantations in America, or elsewhere, to exhibit, and cause to be registered, their letters of attorney in the courts of admiralty there, as is done here in England; by which means the faid royal hospital does not receive the whole benefit accruing to it from prizes, nor is the purpose of making such letters of attorney evidence of the agency of such person or persons, to whom the same is made, in bis Majesty's courts of record, thereby fully answered; be it there- Agents to refore further enacted by the authority aforesaid, That all and gifter their letevery person and persons, who since the commencement of the ters of attorpresent war against Spain and France respectively, has or have ney in the been, or now is or are, or hereafter shall be, appointed agent court of ador agents for any prize or prizes taken by any ship or ships, Great Britain, vessel or vessels of war, or by any merchant ship or ships em- before I Aug. ployed in his Majesty's service, or having letters of marque, or 1747. for receiving the bounty-money by the faid recited acts granted, and which prize or prizes hath or have been, or hereafter thall be condemned in the high court of admiralty in Great Britain, and in Amerior in any of the courts of admiralty in any of his Majesty's ca, &c. before plantations in America, or in any other of his Majesty's domi- 1 Oct. 1747, nions, or elsewhere, shall exhibit, and cause to be registered in or where the the high court of admiralty in Great Britain, or in the respecti e prizes shall be condemncourts of admiralty in America, or in any other of his Majesty's ed. dominions, or elsewhere, where the said prize and prizes, and every of them, hath or have been, or shall be condemned, appointing him or them agent or agents for the purpoles afore-

faid, unless he or they have respectively done the same; and if any person or persons, so as aforesaid appointed agent or agents (who have not already done the same) shall refuse or neglect so to do, on or before the first day of August, one thousand feven hundred and forty seven, in Great Britain, and on or before the first day of October, one thousand seven hundred and forty seven, in America, or other his Majesty's dominions; or if any person or persons, hereafter to be appointed agent or agents for the purposes aforesaid, shall refuse or neglect to exhibit, and cause to be registered in any of the courts of admiralty aforesaid, his or their respective letter or letters of attorney, appointing him or them agent or agents as aforefaid, for the space of fix calendar months after sentence of condemnation of any prize or prizes shall be given in any of the said courts of admiralty, for the care and distribution of which he or they shall be appointed agent or agents; fuch person or persons, agent or agents, refusing or neglecting, shall forfeit the sum of five hununder penalty dred pounds; to be recovered by him or them who will fue for the same, by action of debt, bill, plaint, or information, in any court of record in Great Britain, America, or in any other of his Majesty's dominions, or elsewhere; in which no essoin, protection, privilege, or wager of law, or more than one imparlance, fhall be allowed.

within fix months after condemnation;

Of 5001.

Agents appointed after condemnation of a prize, to regulter &c.

Registers in the courts of admiralty in America, &c. shall yearly transcribe all letters of attorney regi-Bered in fuch courts, &c. and transmit the fame to the treasurer of Greenwich Hospital;

XII. Provided always, That if any agent or agents shall be appointed after the time any sentence of condemnation in any of the faid courts of admiralty shall be given, such agent or agents shall, under the aforesaid penalty, register, or cause to be their letters of registered, in manner aforesaid, his or their respective letter or attorney with- letters of attorney, appointing him or them agent or agents as in fix months. aforesaid, within the space of six calendar months after the date of his or their faid letter or letters of attorney.

XIII. And be it further enacted by the authority aforesaid, That the register or registers of all and every the court and courts of admiralty in any of his Majesty's plantations in America, or elsewhere, in any other of his Majesty's dominions, shall, yearly and every year upon the twenty third day of October, or within three calendar months next after the same, make out and transcribe true copies of all and every such letter and letters of attorney, as shall be so registered in the said court or courts, to which the judge and judges of the said court and courts shall affix his and their seal of office; and then the said register and registers shall transmit the same to the treasurer of the said royal hospital at Greenwich, to be there registered, and to be inspected by any person gratis; the charges of which copies, and affixing the feal or feals thereto, and transmitting the same to the treasurer of the said hospital, shall be paid by the said agent or agents, at the time of making such registry as aforesaid; and in case such register or registers shall neglect or refuse to transcribe and transmit such copy and copies of the said letter and letters of attorney, in manner aforesaid (any ship or ships in that time failing from fuch port or place, to any port or ports in



#### Anno vicesimo Georgii II. C. 24. 1747.]

Great Britain) such register and registers so neglecting or refufing, shall forfeit the sum of five hundred pounds, to be reco- Penalty 500l. vered by him or them who will fue for the same, by action of debt, bill, plaint, or information, in any court of record in Great Britain or America, or in any other of his Majesty's dominions, or elsewhere; in which no essoin, protection, privilege, or wager of law, or more than one imparlance shall be allowed.

XIV. And for the more effectual making fuch letters of at-Copies of the torney evidence of the agency of the person or persons to whom letters of atthe same are made, be it further enacted by the authority afore-torney, &c. said, That true copies of such letter and letters of attorney, and good eviof transcripts, under seal, transmitted by the said register or regifters of the court and courts of admiralty of his Majesty's plantations in America, and elsewhere within his Majesty's dominions, and registered by the said treasurer of Greenwich Hospital, shall, from time to time, and at all times hereafter, be good and fufficient evidence of the agency of the person or persons to whom fuch letter of attorney is or shall be made, and from time to time, and at all times hereafter shall be admitted, without further or other proof thereof, to be legal evidence in all his Majesty courts of record of law or equity; any law, custom, or usage to the contrary thereof in any wife notwithstanding.

XV. And whereas several of the agents for prizes have, since the

twenty ninth day of March, one thousand seven bundred and forty

four, been vexatiously sued by persons who have been made run in the lists of the names of the officers, Seamen, marines, Soldiers, or others who were actually on board such of his Majesty's ships or vessels of war, at the taking of such prize or prizes, and which said lists were duly certified after the condemnation of such prize or prizes, and transmitted to the said agents, though the plaintiffs in such suits knew, that by the several acts of parliament herein before recited, and passed in the thirteenth and seventeenth years of his present Majesty, their respective shares of such prizes were forfeited by their running away from the service, and granted to the use of Greenwich Hospital, and that the said agents are but the receivers thereof, and have the care and custody of the monies arising by such shares, to and for the benefit of the Said hospital, till the end of three years limited by the said acts, and within three calendar months after the expiration of which three years the said agents are obliged by the said acts to account for, and pay over the same to the use of the said hofpital, under certain penalties in the said acts contained; which said run-men very often commence these suits before all the times appointed for the payment of the said shares are expired, and being generally paupers, they often discontinue the said suits, and abscond, whereby the said agents are put to great costs in the defence of the same, and

bave no means of recovering the Same, and therefore deduct such costs out of the monies arising from such shares, remaining in their bands, at the time of their accounting with, and paying it to the treasurer of the said hospital, or his deputy, who are not authorized by the said acts to allow the same; nor can the governor and directors of the

Said

by perions made run.

till 3 months after the 3 years limited, unless certificates be first obtained of the R's being taken off, &c.

said bospital enter into the desence of the said suits, whilst the said monies remain in the said agents hands, till it becomes payable to the Agents not li- faid hofpital, according to the directions of the faid acts; be it thereable to be sued fore enacted by the authority aforesaid, That no agent or agents shall be liable to be sued, impleaded, or arrested, by any person or persons who shall hereafter be made run from his Majesty's service, in the said lists transmitted to them of the names of the officers, seamen, marines, soldiers, or others intitled to such shares, till the end of three months next after the expiration of three years, limited by the acts aforesaid, unless the person or persons so made run, shall obtain a certificate, before any action brought, from the commissioners of his Majesty's navy, who subscribed and transmitted the said lists, the said agent or agents, or some of them, or their proper officer or officers, that the R or R's are taken off, and the forfeitures of such share or shares discharged, and the said agent or agents, on the producing such certificate or certificates, shall refuse to pay the same, in case the same be due and payable, according to the directions in his Majesty's said declaration, within two months after demand made on fuch certificate.

XVI. And whereas several of the common pensioners and nurses in the said royal hospital of late have pawned or otherwise disposed of the wearing clothes, linen, and other goods delivered to them to wear and use, during their being pensioners or nurses of the said hofpital, and continuing therein, and put the said hospital to great charge in redeeming or purchasing the same, and are much encouraged by pawnbrokers and other ill-disposed persons, for lucre's sake, so to do, though they know the person or persons who pawn or sell such clothes and linen, by the colour, make, and marks of and in the said clothes and linen, have no absolute or legal interest or property in the same; and that the said pensioners and nurses do often desert and run away from the said hospital, and carry away their clothes and linen with them: therefore for preventing such practices for the future, be it enacted by the authority aforesaid, That if any pawnbroker or other person or persons shall take to pawn, buy, exchange, or receive, any clothes, linen, or other goods or stores belonging to his Majesty, his heirs or successors, or to the governor and directors of the said hospital, appropriated to and for the wear of the faid penfioners or nurses during their continuance in the faid hospital, or belonging thereto, and to the use of the faid hospital, from any of the said pensioners, nurses, or other person or persons upon any account or pretence whatsoever, or the colour, or cause the colour of such clothes, linen, or goods to be changed, marks, to for- or the marks thereon to be taken out or defaced, the person or persons so offending shall forfeit for every such offence the sum of five pounds upon conviction thereof, by the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace of the county wherein the said offence or offences shall be committed; which penalty or penalties of five pounds shall be levied by warrant under the hand and seal, or hands and seals of the said justice or justices of the peace, by distress

Persons taking to pawn clothes, &c. belonging to the hospital.

or changing feit 51.

### Anne vicesimo Georgii II. C. 24. 747.

distress and sale of the goods and chattels of the said offender or to be levied by

offenders; one moiety of which said penalty or penalties shall distress and be paid to the informer or informers, and the other moiety shall fale. go and be paid to the use of the said hospital; and in case any Disposal of the fuch offender or offenders, who shall be convicted as aforesaid, forfeiture.

of having bought, exchanged, received, or taken in pawn any For want of fuch clothes, linen, or other goods or stores as aforesaid, or of distress of-

having caused the colour of such clothes, linen, or goods to be fender to be changed, contrary to the intent of this act, shall not have suf- months; ficient goods and chattels, whereon distress may be made, to the value of the penalty or penalties recovered against him, her, or

them, for such offence or offences, or shall not pay such penalty or penalties within four days after such conviction, then, and in such case, such justice of the peace shall and may, by

warrant under his hand and feal, either commit fuch offender or offenders to the common gaol of the county where such offence or offences shall be committed, there to remain without

bail or mainprize for the space of three months, or cause such or to be puboffender or offenders to be publickly whipt, at the discretion of lickly whipt. fuch justice; and that if any pensioner, or nurse of the said hospital, shall desert or run away from the same, and carry a- Pensioners or

way with them any clothes, linen, stores, or goods delivered to off with the him, her, or them, to wear and use, whilst they, or any of hospital them, was or were pensioners or nurses of or belonging to the clothes, &c. faid hospital, or any other clothes, goods, or stores belonging to be commit-

thereto; such person or persons being lawfully convicted there- months. of, by the oath or oaths of one or more credible witness or witnesses, shall be committed to the common gaol or house of cor-

rection, where he, she, or they shall be apprehended, for the space of fix months, without bail or mainprize.

XVII. And be it further enacted by the authority aforesaid, Persons sued That if at any time or times hereafter, any person or persons on this act, shall be sued for any matter or thing done in the execution of this act, or if the governor, master, lieutenant governor, directors, captains, or any other officers of the said royal hospital at Greenwich, commonly called the officers of the house, who now are, or at any time hereafter shall be concerned in the government of the said hospital or house, or any steward, minifter, fervant, or agent, employed or to be employed by the governor, master, lieutenant governor, or directors, in collecting or receiving the rents and revenues of the said house, or in any other matter or thing relating to the faid house, or any or either of them, shall be sued for any matter or thing done in the execution of this act, or in any wife relating to the faid hospital or house, such governor, master, lieutenant governor, directors, captains, and officers of the said house, and their stewards, ministers, servants, and agents, and each and every of them, shall and may plead the general issue, and give the special matter in evidence; and if upon trial the plaintiff or plaintiffs shall be- to plead the come nonsuit, or if a verdict shall be given against him or them, general issuethe defendant or defendants shall recover treble his and their Treble costs.

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costs of suit, and may levy the same by execution, to be awarded out of the court, where fuch action or actions shall be brought.

## CAP. XXV.

An act for repairing the high road leading from the town of Stockton upon Tees, to Darlington, and from thence through Winston to Barnard Castle, in the same county.

Certain tolls granted for 21 years. Enlarged by 22 Geo. 2. c. 51.

## CAP. XXVI.

An act for reviving and continuing an act passed in the fixth year of the reign of his late majesty King George the First, intituled, An act for laying a duty of two penny Scots, or one fixth part of a penny flerling, upon every Scots pint of beer or ale wended or fold within the town of Bruntisland, and liberties thereof for increasing the publick revenue of the said town, and for other purposes therein mentioned.

The aft 6 Geo. 2. c. 8. revived and continued for 31 years.

## CAP. XXVII.

An act for founding and building a chapel in Wednesfield, in the parish of Wolverhampton, in the county of Stafford.

## CAP. XXVIII.

An act for repairing the road leading from Catherick Bridge in the county of York, to Yarm in the faid county; and from thence to Stockton in the county of Durham; and from thence through Sedgefield, in the faid county of Durham, to the city of Durham.

Certain tells granted for 21 years.

# CAP. XXIX.

An act to confirm an agreement made by the rector and vestrymen of the parish of Saint James within the liberty of Westminster, for enlarging the churchyard of the faid parish, and for other purposes therein mentioned.

# CAP. XXX.

An all for allowing persons impeached of high treason, whereby any corruption of blood may be made, or for mifprision of such treason, to make their full defence by council.

THEREAS it is thought reasonable, that persons impeached by the house of commons of high treason, whereby any corruption of blood is made, or for misprision of such treason, should have the same benefit and advantage in making their defence, as they may have on indictments, or other prosecutions: the commons therefore humbly pray your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty fons impeach- seven, all and every person and persons whatsoever, who shall be impeached by the commons of Great Britain of any high treason, whereby any corruption of blood may or shall be made

Council allowed to pered of high treason by the commons,



# 1747.] Anno vicesimo Georgii II. C. 31, 32.

to any such offender or offenders, or to any the heir or heirs of any such offender or offenders, or for misprission of such treafon, shall be received and admitted to make his or their sull defence by council learned in the law, not exceeding two council, who shall be assigned for that purpose, on the application of the party or parties impeached, at any time after the articles of impeachment shall be exhibited by the commons.

## CAP. XXXI.

An act for continuing the term and enlarging the powers granted by an act passed in the twelfth year of his I to Majesty's reign, intitaled, An act for repairing and widening the reads fr m t'e ity of Gloucest r to the city of Hereford; and for repairing other roads in the county of Gloucester.

The act 12 Geo. 1. c. 13. continued for 21 years.

## CAP. XXXII.

An all for uniting the two colleges of Saint Salvator and Saint Leonard, in the university of Saint Andrews, purfuant to an agreement for that purpose.

THEREAS the college of Saint Salvator, in the university of Saint Andrews, consists of a provost or principal master, three professors of ph'losophy, a professor of Greek, and a professor of humanity, with small salaries annexed to each professorship; and Saint Leonard's college in the same university is likewise composed of a principal master, three professors of philosophy, a professor of Greek, and a professor of humanity, who teach the same arts and sciences, and the said colleges have different large fabricks and rents and emoluments under separate managements: and whereas the parliament of Scotland, in consideration of the low condition of the revenues of this and the other universities, and of the mean and incompetent provisions of the masters and professors thereof, and from a desire of giving all due encouragement to these seminaries, did, by an act of parliament dated the tenth day of September, one thousand fix hundred and seventy two, grant the stipends and benefices of churches that should bappen to be vacant for seven years next ensuing the date of the said act, to be employed for the use of the said universities and colleges, the proportion whereof allocated to the faid two colleges being no more than fourteen pounds, thirteen shillings, and four pence yearly; and the said parliament of Scotland, considering the small and incompetent provisions and salaries then possessed by the masters and professors of his Majesty's famous and ancient university of Saint Andrews, did, for encouragement and advancement of learning, by another att of the seventeenth of September, one thousand six bundred and eighty one, enact and ordain, that half a month's cess should be imposed upon the land rent in Scotland, to be pa'l in and stocked for the use of the Said university of Saint Andrews, and divided in its just proportions to the several masters and profess in the sver ! colleges therein, by the advice of his Majesty's privy council, fr m witch the sum of one hundred and seventeen p un is, f urteen so ling, and four pence, yearly, arises to the said two c lleges: and whereas be late majesty King William was graci usly pleased, ly a gr int bearing date the twenty nin th day of April, net usuad fx I indied and



and ninety five, to grant to the said principals, professors, and masters in the said university of Saint Andrews, and to their successors in office, the yearly sum of three bundred pounds, out of the rents and revenues of the bishopricks in Scotland, and to be applied and distributed among them in manner therein mentioned, to commence from Whitfunday, one thousand six bundred and ninety four, and to continue in time coming, and to be paid yearly to the factors of the several colleges of the said university for the time being, for the use and behoof of the said principals, professors, and others, in manner therein appointed, of which the sum of one hundred and forty pounds was the Share allocated to the principals and professors of the Said two colleges of Saint Salvator and Saint Leonard: and whereas his present Majesty was graciously pleased, from his pious and princely zeal for the good and flourishing state of the Said university of Saint Andrews, by his royal grant bearing date the ninth day of April, one thousand Seven hundred and twenty nine, to grant to the several principals and professors in the said university, and to their successors in office, the yearly sum of two hundred and ten pounds, to be distributed in manner therein set forth, to be placed on the establishment for civil affairs, in that part of the united kingdom, to commence from Christmas, one thousand seven hundred and twenty seven, and from thenceforth to be paid and accounted for to the said several principals and professors, and their successors in office, during his Majesty's pleasure; of which the sum of one hundred and fifty seven pounds, sixteen shillings, and eleven pence, and one third of a penny, was the share allocated to the principals and professors of the said two colleges last mentioned: and whereas the present salaries payable to the masters and professors of the said two colleges are as follows, viz. to the provost or principal of Saint Salvator's college, the yearly fum of eighty three pounds, fix shillings, and eight pence, including the sum of eighteen pounds, as his share of his present Majesty's said bounty; to the three professors of philosophy and professor of Greek, the yearly sum of forty six pounds each, including the sum of eleven pounds, one Billing, and six pence balfpenny, as the sbare for each of his Majesty's said bounty; to the professor of humanity, the yearly sum of thirty nine pounds, fourteen shillings and fix pence, and one third of a penny, including the sum of eleven pounds, one shilling, and six pence halfpenny, as his share of the faid bounty; to the principal of Saint Leonard's college, the yearly sum of one hundred and thirty pounds, two shillings, and five pence, and one fixth of a penny, including the sum of eighteen pounds, as his share of the said bounty; to the several professors in the same college, the same salaries respectively, with the correspondent professors in the Said college of Saint Salvator, and including the like sums, as their several shares of the said bounty; to the professor of math maticks, the yearly sum of sixty one pounds, including the sum of eleven pounds, one shilling and six pence halfpenny, as his share of the said bounty; and to the professor of medicine, the yearly sum of fifty pounds: and whereas the reve wes of the faid two colleges have, from time to time, been diminished by vari us a cidents, and particularly by augmentations of stipends, out of the tithes of certain parishes which were anciently appr priated to the faid two colleges, whereby, and by means whereof



# 1747.] Anno vicesmo Georgii II. c. 33, 34.

whereof, the monies arising from the ancient and late grants made to the said university, is not more than sufficient to satisfy and discharge the faid small salaries, and other incident expences, and there is no fund sufficient to maintain or support the fabricks of the said colleges: and whereas the present masters and professors in both the said colleges, taking into their confideration, that the meanness of the present salaries will discourage men of learning and abilities from accepting of vacant professors, and that in the present ruinous state and condition of one of the fabricks, the same cannot be repaired or supported without an expence far exceeding what the publick funds of the said college can afford; and conceiving it to be proper, when they cannot immediately apply a full remedy to this growing evil, at least to attempt laying a foundation which hereafter may support this sinking, though once flourishing university, and give hopes of restoring it again to its former lustre; and after mature deliberation, finding no expedient more probable than the uniting of the said two colleges, and their rents and revenues under one common management, and uniting also the correspondent professorships in the said two colleges, as the same shall became vacant by death or resignation; the said present masters and professors in both the said colleges, have therefore come to an agreement to unite and incorporate the faid two colleges, upon fuch terms as they conceive may be of general publick benefit, and tend to promote the advancement of learning and better education of youth in the faid ancient university: but as such union cannot be effected without the aid and authority of an act of parliament; may it therefore please your most excellent Majesty, upon the humble petition of David Young, professor of philosophy, in behalf of himself, and of the provost and principal masters and professors in the said colleges of Saint Salvator and Saint Leonard, in the faid university of Saint Andrew's, that it may be enacted, &c.

The two colleges of St Salvator and St. Leonard united. The lands, &c. belonging thereto, put under the management of a principal and masters. The funds for the salaries to be one common stock. The several powers, &c. of the colleges reserved. Persons appointed to be the principal, and professors of the united college. His Majessy's bounty made revocable at pleasure. Privileges granted to the principal of the united college.

## CAP. XXXIII.

An act to enable the parishioners of the parish of Saint Andrew, Holborn, in the city of London and county of Middlesex, to purchase a convenient piece of ground, for an additional burying ground, for the use of the said parish; and to enable the said parishioners to raise such sum and sums of money as shall be necessary for that purpose.

## CAP. XXXIV.

An att to enable his Majesty to allow to the residuary legatees of Sir Joseph Jekyll knight, late master of the rolls, deceased, part of the legacy given by his will to the use of the Sinking Fund.

WHEREAS by an all made in the twelfth year of the reign 12 Car. 2. c. of King Charles the Second, intituled, An act impowering 36. the master of the rolls for the time being to make leases for

1 3

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years, in order to new build the old houses belonging to the rolls, reciting, That the mansion-house, ground, and tenements, with the appurtenences, belonging to the master of the rolls, as master of the rolls, were much out of repair, and not capable of improvement, in regard the former masters of the rolls were not enabled to grant fueb leases, and for such terms, as might encourage tenants to build and to repair, it was enacted, That the master of the rolls for the time being, and bis successors, masters of the rolls, should have good right, full power, and lawful authority, during the time he or they should continue masters of the rolls, by writing indented, under hand and scal, to grant and make leases for one and forty years, or for any leffer term, to commence from the making of any fuch leafes, of all. and fingular the premisses, or any part thereof (the chapel of the rells, with a convenient mansion-house, court-yard, garden, stable, coach-bouse, and other out-bouses and buildings, fit for the use and babitation of the master of the rolls only excepted) and that such lease and leases so to be made, should be good and effectual in law, to all intents and purposes, as if such master of the rolls for the time being, as should so make the same, had been feifed of the premisses of a good estate in fee-simple, in which act there is a proviso, That the master of the rolls for the time being, or any succeeding master of the rolls, after the premisses had been once letten, according to the power given as aforesaid, should not make or grant any new or concurrent lease, until within seven years of the expiration of the lease then in being, nor for any leffer rent than was referved upon the former leafe, nor for any longer term, than for the term of twenty one years from the making fuch new lease: and whereas Sir Harbottle Grimston barenet, master of the rolls, did, by virtue of the powers given to bim by the said att as master of the rolls, grant building leases of part of the faid ground belonging to the rolls, for the term of forty one years, and other leases of other parts thereof, for the term of twenty one years: and whereas Sir Joseph Jekyll knight, deceased, was by letters patent, under the great seal of Great Britain, bearing date the thirteenth day of July, in the third year of the reign of his late majesty King George the First, appointed master of the rolls, and soon after fuch his appointment, finding the houses built on the ground belonging to the rolls, in a ruinous condition, did, from time to time, rebuild several of the said houses in a substantial manner, and at & very great expence, and afterwards granted leases of the said ground and bouses, for the term of forty one years in trust for himself, conceiving that he was impowered by the said all to grant such leases: and whereas the faid Sir Joseph Jekyll died on or about the nineteenth day of August, in the year of our Lord one thousand seven bundred and thirty eight, and by his last will and testament, in writing, bearing date the fourth day of May, in the faid year, bequeathed several pecuniary legacies and annuities for life, to several of bis relations, and directed that the East India and South Sea flotk, which be should be possessed of at the time of his death, should not be. transferred, or altered by his executor, during the life of dame Elizabeth bis wife (who is since also deceased) but after ber death, be zowe bis said East India and South Sea stock to bis Majesty, bis



#### Anno vicesimo Georgii II. c. 34. 1747.

beirs and successors, Kings or Queens of England, to be applied to the use of the Sinking Fund, in such manner, as should be directed by all of parliament; and all the rest and residue of his estate, both real and personal, be gave and devised unto Thomas Jekyll, John Jekyll, Joseph Jekyll, Edward Jekyll, Richard Blackett Jekyll, Mary Jekyll, and Hannah Jekyll, children of John Jekyll, late of New England, deceased, and to Joseph Jekyll grocer, the son of Thomas Jekyll, and to Nicholas Roberts, Thomas Hester, Tryphena Baldwin, and Tryphosa Sanders, and to their beirs, executors and administrators, as tenants in common; and he appointed the said Joseph Jekyll executor of his will; and he also gave his said executor power to renew leases, from time to time, of the houses held of the master of the rolls, with his successor or successors, masters of the rolls for the time being: and whereas the faid Sir Joseph Jekyll did before, and till the time of his death, shew great affection and regard for several of his relations, whom he so made residuary legatees by his faid will, and several times expressed his intention to make a competent provision for their support, and for that end and purpose devised to them all the residue of his real and personal estate, in manner as before-mentioned: and whereas it having appeared fince the death of the said Sir Joseph Jekyll, that the ground belonging to the rolls which he demised together with the messuages built thereon for the term of forty one years, were demisable for the term of twenty one years only, the faid residuary legatees were necessitated to enter into an agreement with John Verney esquire, deceased, late master of the rolls, by which agreement all the said leases granted as aforesaid, for the term of forty one years, were to be cancelled, and the said John Verney was to execute for the benefit of the faid residuary legatees, other leases of the said messuages, for the term of twenty one years, and by reason of such agreement the value of the estate bequeathed to the said legatee, is so reduced, that several of them will be exposed to indigence and distress, unless some relief be granted to them by parliament; therefore we your Majesty's most dutiful and loyal subjects the commons of Great Britain, in parliament assembled, having taken the premisses into consideration, do most humbly beseech your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and Mr. Jekyllperwith the advice and consent of the lords spiritual and temporal, mitted to raise and commons, in this prefent parliament assembled, and by the 13,5821.98.2d. authority of the same, That it shall and may be lawful for his out of the East Majesty, his heirs and successors, by warrant or order under his South Sea or their sign manual, to permit the said Joseph Jekyll, his execu-stock, given cutors, administrators, or affigns, to sell so much of the East by Sir Joseph India and South Sea stock, devised as aforefaid, as will enable Jekyll for the him or them to raise for the benefit of the said residuary lega- use of the tees, the sum of thirteen thousand five hundred eighty two pounds, nine shillings and two pence; which said sum of thir- to be applied teen thousand five hundred eighty two pounds, nine shillings, as Sir Joseph and two pence, shall be applied by him or them in the same Jekyll's estate. manner, as the real and personal estate of the said Sir Joseph Jetyll is, by his faid will, directed to be applied.

CAP.

## CAP. XXXV.

An act to indemnify persons who have omitted to register their letters of attorney, appointing them agents for prizes, within the time limited by law; and for allowing further time for that purpose. EXP.

Time given to 1 Aug. 1747.

# C A P. XXXVI.

An alt for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thonsand seven bundred and forty seven; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances to several officers and private gentlemen of the two troops of borse guards, and three regiments of horse, lately reduced, for the year one thousand seven bundred and forty seven, and for continuing the bounties on the exportation of British and Irish coarse linens:

Most gracious Sovereign,

Preamble.

E your Majesty's most dutiful and loyal subjects the commons of Great Britain in parliament assembled, being defirous to raife the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty feven, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein, as that your Majesty may have the better and more speedy effect of the said supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesies, and overplus monies, commonly called The Sinking Fund: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of fuch monies as now are, or shall from time to time be and remain in the receipt of the exchequer, of the faid furplusses, excesses, or overplus monies, commonly called The Sinking Fund (after paying or referving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be iffued and applied, a fum not exceeding the faid fum of one million, for and towards the supply granted to his Majesty granted out of for the service of the said year one thousand seven hundred and forty seven; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer,

One million the Sinking Fund.



#### Anno vicesimo GEORGII II. c. 36. 1747.

or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and

apply the lame accordingly.

II. And it is hereby enacted by the authority aforesaid, That Clause of loan three or more of them now being, or the high treasurer, or any at 41. per three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the faid fum of one million, upon the credit of the faid furplusses, excesses, or overplus monies, commonly called The Sinking Fund; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds per centum per annum, so as such loans be allowed to be made by the faid commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to iffue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money fo to be lent on the fecurity of this act shall be rated or affessed to any tax or affessment whatloever.

III. And be it further enacted, That all and every person Tallies and and persons who shall lend any money upon the credit of this orders for act as aforesaid, and pay the same into the receipt of the exche-repayment. quer, shall immediately have a tally or loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearance thereof, not exceeding the faid rate of four pounds per centum per annum, and to be paid every three months, until the repayment of the principal; and all such orders for repayment Orders to be of money so to be lent shall be registred in course according to register'd, and the dates respectively; and that all and every person and per-paid in course, fons shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators or affigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the faid surplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in, of, or for the faid surplusses, excesses, or overplus monies, commonly called The Sinking Fund, as aforesaid, shall be in the same order liable to the satisfaction of the said respec-

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preference.

No fee for registering, acc.

Penalty of undue preference.

tive persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without undue without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, insent, or purpose whatsoever (other than such uses and purpoles as are appointed by any other act or acts of parliament

in that behalf as aforefaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of

his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, with full costs of suit; or if the officer himself take or demand any such see or reward, then to lose his place also;

and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any fuch officer or officers, then the party offending shall be liable by action of debt, or on the cafe, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if

fuch preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct the said

orders of loan, or the clerk of the pells record, or the teller make payment upon fuch order, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offend-

ing, to be liable to fuch action, debt, damages, and cofts, in fuch manner as aforesaid; all which said penalties, forseitures, damages, and cofts, to be incurred by any the officers of the excheduer, or any their deputies or clerks, shall and may be recovered

by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no effoin, protection, privilege, wager of law, injunction, or order of re-

straint, shall be in any wife granted or allowed.

IV. Provided always, and it is declared, That if it shall happen that feveral tallies of loan or orders for payment as aforefaid, bear date, or be brought the same day to the auditor of the the same day. receipt to be registred, then it shall be interpreted no undue preference which of those be entered first, so as he enters them all the fame day.

Nor if fublequent orders be paid before fuch as were ed.

No undue

preference,

where tallies

are dated, &c.

V. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers not demand. do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in courfe, To as there be so much money reserved as will satisfy precedent

orders,

#### Anno vicesimo Georgii II. C. 36. 1747.

orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

VI. And be it further enacted, That all and every person and Orders affignpersons to whom any money shall be due for loans to be regi- able toties questred by virtue of this act, after order entered in the book of ties. registry as aforesaid, his, her, or their executors, administrators, or affigns, by proper words of affignment to be indorfed and written upon his, her, or their order, may assign or transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt as aforefaid, and an entry or memorial thereof also made in the book of registry aforesaid for orders (which the officers shall upon request without see or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon, and fuch affignee may in like manner assign again, and so toties quoties; and afterwards it shall The assignnot be in the power of fuch person or persons who have or hath ment not to be made such assignment, to make void, release, or discharge the voided.

fame, or any the monies thereby due, or any part thereof. VII. And to the end there may be no want or failure of a certain fum not to exceed in the whole the faid fum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now Treasury may being, or the high treasurer, or any three or more of the com- make new exmissioners of the treasury for the time being, shall judge it more chequer bills adviseable to raise the said sum of one million or any part there- for raising the of, by exchequer bills, instead of such loans as aforesaid, that lion, &c. then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any fum or fums of money not exceeding in the whole the faid fum of one million, together with fuch loans as aforefaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for granting an aid to his Majesty by a land tax, 20 Geo. 2. 6. 3. for the service of the year one thousand seven hundred and forty feven are enacted and prescribed concerning the exchequer bills to be made in pursuance of the said act.

VIII. And be it further enacted by the authority aforesaid, The exche-That all and every the clauses, provisoes, powers, privileges, quer bills to advantages, penalties, forfeitures, and disabilities, contained in be subject to the faid last-mentioned act relating to the loans or exchequer the same regubills authorized to be made by the fame act, except such clauses lations. as do charge the fame on the aids, taxes, or affeffments granted by the same act, shall be applied and extended to the exchequer hills to be made in pursuance of this act, as fully and effectually

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to all intents and purposes as if the faid exchequer bills had been originally authorized by the said last mentioned act, or as if the said several clauses or provisoes had been particularly repeated or re-enacted in the body of this present act.

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to be repaid out of the finking fund.

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IX. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the same, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by or out of the growing produce of the faid furplusses, excesses, or overplus monies, commonly called The finking fund (except such monies of the faid finking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and fuch monies of the faid finking fund shall and may be iffued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and discharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money fufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective

proprietors thereof. X. And for the better enabling your Majesty to carry on the

war with vigour, both by sea and land, and to make good such treaties as are or shall be made with your Majesty's allies, your faid dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of five hundred thousand pounds, to be raised in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the King's most excellent majesty, by warrant or warrants under his royal fign manual, to authorize and impower the commissioners of his Majesty's treafury, now or for the time being, or any three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of December, one thousand seven hundred and forty seven, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or perto be raised by sons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any fum or fums of money, not exceeding in loans and exchequer bills together, in the whole, the said sum of five hundred thoufand pounds, in the same or like manner, form, and order, and according to the same or like rules and directions, as in and by the before mentioned act of this present session of parliament (for granting an aid to his Majesty by a land tax, for the service of the year one thousand seven hundred and forty seven) are enacted and prescribed, concerning the loans or exchequer bills to

The further fum of 500,000 l. granted to his Majesty;

loans or exchequer bills.

Regulations concerning the exchequer bills.

XI. And be it further enacted by the authority aforesaid, That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the faid last mentioned act, relating to the loans or exchequer bills,

be taken or made in pursuance of the said act.



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bills, authorized to be made by the same act (except such clauses as do charge the same on the rates, duties, and affeffments granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the faid last mentioned act, or as if the said several clauses or provisces had been particularly repeated and re-enacted in the body of this act.

XII. And be it further enacted by the authority aforesaid, Loans, &c. That all such loans or exchequer bills, not exceeding five hun- to carry 41. dred thousand pounds as aforesaid, as shall be taken in, or made per cent. forth in pursuance of this act, may respectively be made to bear or carry an interest, premium, or rate, not exceeding four pounds per centum per annum; and all fuch loans or exchequer bills, together with the interest, premium, rate, and charges in-payable out of cident to, or attending the same, shall be and are hereby charged the first supand chargeable upon, and shall be repaid, or borne by or out of plies, the first aids or supplies, which shall be granted in parliament next after the twenty ninth day of September, one thousand seven hundred and forty feven; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of June, one thousand seven hundred and forty eight, then all and every the faid loans or exchequer bills, with the interest, premium, rate, and charges incident to or attending the same, thall be and are hereby charged and chargeable upon fuch monies, as at any time or times at or after the faid twenty fourth day of June, one thousand seven hundred and forty eight, shall be or remain in the receipt of the exchequer, of the faid furplusses, excesses, or overplus monies, commonly called The finking fund; (except such monies of the said finking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and fuch monies of the faid finking fund shall and may be iffued and applied, as fast as the or finking fame can be regularly stated and ascertained, for and towards fund. paying off, cancelling, and discharging such loans or exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

XIII. Provided always, and be it enacted by the authority Monies paid aforecaid, That whatever monies shall be so issued out of the out of the faid furplusses, excesses, or overplus monies, commonly called finking fund The finking fund, shall from time to time be replaced by and out of the first out of the first supplies to be then after granted in parliament; supplies. any thing herein contained to the contrary notwithstanding.

XIV. Provided always, and be it enacted by the authority The land tax. aforesaid, That all the monies coming into the exchequer, either 20 Geo. 2. c.2. by loans or exchequer bills, upon one act of this fession of parliament (intituled, An act for granting an aid to his Mojefly by adand tan, to be raised in Great Britain, for the service of the

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year one thousand seven hundred and forty seven;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raising the faid land tax, shall be fatisfied, or money sufficient shall be referved in the exchequer to discharge the same; and all the mo-Malt act, &c. bills, upon one other act of this session of parliament (intituled,

nies coming into the exchequer, either by loans or exchequer 20 Geo. 2. C. 5. An act for continuing the duties upon malt, mum, cyder, and perry, in that part of Great Britain called England, and for granting to his Majesty certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; and for applying a certain fum of money therein mentioned towards the supply for the service of the year one thousand seven hundred and forty seven;) and so much money, if any fuch be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raifing the faid duties, shall be fatisfied, or money sufficient shall be referved in the exchequer to discharge the same; and also all the monies coming into the exchequer by fale of annuities, after the rate of four pounds per centum per annum, upon one other and duties up- act of this fession of parliament (intituled, An act for repealing the 20 Geo. 2. C. 3. Several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the said rates or duties;) and also all the monies coming into the exchequer, by contri-

on houses, &c.

and upon coaches, &c.

198. 2 d. remaining of the additional duties on fpirituous liquors; applied.

2,292,259 l. 19 s. 8d. to naval fervices.

20Geo.2.C.10. therein mentioned; and for raising the sum of one million, by way of lottery, to be charged upon the said rates and duties;) and also the and 112,508 l. sum of one hundred twelve thousand five hundred eight pounds, nineteen shillings, and two pence, remaining in the receipt of his Majesty's exchequer, of the additional duties on spirituous liquors, granted by an act of the fixteenth year of his Majesty's reign, after fatisfying all incumbrances thereupon, to Christmas, one thousand seven hundred and forty six; and the sum of one million five hundred thousand pounds, by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the several uses, intents, and purposes herein after expressed (that is to fay)

butions, by way of a lottery, for the purchase of annuities, after the rate of four pounds per centum per annum, upon one other act of this session of parliament (intituled, An act for granting to

his Majesty several rates and duties upon coaches, and other carriages

XV. It is hereby enacted and declared, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money, not exceeding two million two hundred ninety two thousand two hundred fifty nine pounds, eighteen shillings, and eight pence, for or towards the naval services herein after more particularly expressed, (that is to fay) for or towards defraying the charges of the ordinary of his Majesty's navy, and for half-pay to sea officers, and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards sea services in the office of ordnance, performed and to be performed; and for or towards carrying on the building of the intended hospital for fick and wounded seamen at Gosport, for the year one thousand seven hundred and forty seven.

XVI. And it is hereby also enacted by the authority afore- 205,7281. 9 5. faid, That out of all or any the aids or supplies provided as afore- 9d. for freight faid, there shall and may be issued and applied any sum or of transports. fums of money, not exceeding two hundred five thousand seven hundred twenty eight pounds, nine shillings, and nine pence, for the freight of transports, between the first day of January, one thousand seven hundred and forty five, and the thirty first day of December, one thousand seven hundred and forty six; and any fum or fums of money not exceeding fixty fix thousand 66,6681. 79. fix hundred fixty eight pounds, seven shillings, and ten pence, rod. for victualling the for the expence of the victuals provided for his Majesty's land land forces. forces, between the first day of January, one thousand seven hundred and forty five, and the thirty first day of December, one thousand seven hundred and forty fix.

XVII. And it is hereby also enacted, That out of all or any 10,000 l. to the aids or supplies as aforesaid, there shall and may be issued Greenwich and applied any fum or fums of money, not exceeding ten thou- hospital. fand pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the seamen of the faid hospital, worn out and become decrepit in the service of their country; and any fum or fums of money, not exceed- 1,000,000 l. ing one million, towards paying off and discharging the debt of debt of the the navy.

XVIII. And it is hereby also enacted, That out of all or any 477,2131. 8 s. the aids or supplies as aforesaid, there shall and may be issued 2 d. to the and applied any fum or fums of money, not exceeding four hun- ordnance. dred seventy seven thousand two hundred thirteen pounds, eight shillings, and two pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thoufand seven hundred and forty seven, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

XIX. And it is hereby likewise enacted, That out of all or 206,2531. 158. any the aids or supplies provided as aforesaid, there shall and to the marines. may be iffued and applied any fum or fums of money not exceeding two hundred fix thousand two hundred fifty three pounds, and fifteen shillings, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) to be employed for the year one thousand feven hundred and forty feven.

XX. And it is hereby likewise enacted, That out of all or 3,191,4321. any she aids or supplies provided as aforesaid, there shall and 75. 2d. farmay thing, to the



of which Jeriey;

Flanders;

343,112 l. 8 s. z d. halfpenny, for the forces in the plantations, &c.

400,000 l. to the troops of Hanover.

10,000 l. for a train of artillery.

for troops, &c. to the King of Sweden.

433,333 l. 6 s. 8 d. to the Queen of Hungary.

may be issued and applied any sum or sums of money, not exceeding three million one hundred ninety one thousand four hundred thirty two pounds, seven shillings, and two pence farthing, for or towards maintaining his Majesty's land forces and other services herein after more particularly expressed; that is to say, any sum or sums of money, not exceeding \$56,0661. 198. eight hundred fifty six thousand sixty six pounds, nineteen guards, &c. in shillings, and two pence, for defraying the charge of thirty three Great Britain, thousand and thirty effective men, including commission and Guernsey, and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces, and other services in Great Britain, Guernsey, and Jersey, for the year one thousand seven hundred and forty seven; and any fum or fums of money, not exceeding three hundred 372,7881. 115. seventy two thousand seven hundred eighty eight pounds, and for the war in eleven shillings, for defraying the charge of fifteen thousand one hundred and ninety fix effective men, commission and non-commission officers included, for the service of the war in Flanders, for the year one thousand seven hundred and forty seven; and any fum or fums of money, not exceeding three hundred forty three thousand one hundred twelve pounds, eight shillings, and one penny halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons at Annapolis Royal, Placentia, Gibraltar, Georgia, Rattan, and Cape Breton, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding four hundred thousand pounds, for defraying the expence of the pay and subsistence of the body of the troops of Hanover, confisting of five thousand horse, and thirteen thousand foot, making in the whole eighteen thousand men, to act in the Low Countries, with the Austrian troops, and those of the States General of the united provinces, for the year one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding ten thousand pounds, for a train of artillery to attend the faid troops; and any fum or fums of money, not exceeding 161,607 l. 175. one hundred fixty one thousand fix hundred seven pounds, sevend. halfpenny teen shillings, and one penny halfpenny, for defraying the charge of one thousand two hundred fixty four horse, and four thousand nine hundred and eight foot, with the general officers, and train of artillery, the troops of his Majesty the King of Sweden, as Landgrave of Heffe Caffell, in the pay of Great Britain, from the twenty fifth day of December, one thousand seven hundred and forty fix, and to the twenty fourth day of December, one thoufand seven hundred and forty seven, both inclusive, together with the subsidy for the said time, pursuant to treaty; and any fum or fums of money, not exceeding four hundred thirty three thousand three hundred thirty three pounds, six shillings, and eight pence, to enable the Queen of Hungary to support her allies, and maintain fixty thousand men in the Low Countries, for the year one thousand seven hundred and forty seven, purfuant to treaty; and any fum or fums of money, not exceeding

three hundred thousand pounds, to make good his Majesty's en- 300,0001. to gagements with the King of Sardinia, pursuant to treaty; and the King of any fum or fums of money, not exceeding twenty four thousand Sardinia. two hundred ninety nine pounds, one shilling, and four pence, 24,299 l. 13. to make good his Majesty's engagements with the Elector of Co-4 d. to the logn, pursuant to treaty; and any sum or sums of money, not logn. exceeding eight thousand fix hundred and twenty pounds, to 8,620 l. to the make good his Majesty's engagements with the Elector of Mentz, Elector of purfuant to treaty; and any ium or iums of money, not exceed- Mentz. ing twenty fix thousand eight hundred forty fix pounds, elever 26,8461. 11 8. shillings, and nine pence, to make good his Majesty's engage-9d. to the ments with the Elector of Bavaria, pursuant to treaty; and any Elector of Bavaria. fum or fums of money not exceeding forty eight thousand five 48,575 l. 175. hundred seventy five pounds, seventeen shillings, and ten pence, rod. for gefor the pay of the general, and general staff officers, and officers neral and staff of the hospitals for his Majesty's land forces, for the year one officers. thousand seven hundred and forty seven; and any sum or sums of money, not exceeding one hundred fixty fix thousand one 166,1981. 18 s. hundred ninety eight pounds, eighteen shillings, and four pence 4d. farthing, farthing, for defraying the extraordinary expences on account for extraordinary charges of the rebellion, nd other services of his Majesty's land forces, of the rebelfor the year one thousand seven hundred and forty six, incurred lion, &c. and not provided for by parliament; and any sum or sums of 29,9141. 158. money not exceeding twenty nine thousand nine hundred four- rod to halfteen pounds, fifteen shillings, and ten pence, upon account of pay. half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty feven, subject to such rules to be observed in the application of the faid half-pay, as are herein after prescribed concerning the same; and any sum or sums of money not exceeding six thou-6,120 l. for fand one hundred and twenty pounds, for providing four hun-horses lost in dred and eight horses lost in Flanders and at the battles of Fal-Flanders, &c. kirk and Culloden, in the year one thousand seven hundred and forty fix; and any fum or fums of money, not exceeding three 3,948 l. to thousand nine hundred and forty eight pounds, for paying of widows of repensions to the widows of such reduced officers of his Majesty's duced officers. land forces and marines, as died upon the estalishment of half-pay in Great Britain, and who were married to them before the twenty fifth day of December, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty seven; which faid fum of three thousand nine hundred and forty eight pounds, shall be iffued to such person or persons, as his Majesty shall, by warrant or warrants under his royal fign manual, direct or appoint to receive the same, to be by him or them paid over to fuch widows of half-pay officers, or their assigns, according to fuch establishments, lists, or other directions, and with and subject to such conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

XXI. And it is hereby also enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be Vol. XIX.

G

issued



3d. 3 farthings, for deficiencies on the civil lift;

to discharge the like fum borrowed, &c.

30,000 l. for Westminster.

456,733 l. 16 s. issued and applied any sum or sums of money, not exceeding four hundred fifty fix thousand seven hundred thirty three pounds, fixteen shillings, and three pence three farthings, to make good the deficiency of the duties and revenues applicable to the uses of his Majesty's civil government in the seven years, ending at Midsummer, one thousand seven hundred and forty six; and and 500,000 l. any sum or sums of money, not exceeding five hundred thoufand pounds, to enable his Majesty to discharge the sum of five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or fupplies to be granted in parliament, after the twenty ninth day of September, one thousand seven hundred and forty six.

XXII. And it is hereby enacted, That out of all or any the the bridge at aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river Thames, from the city of Westminster to the opposite shore, in the county of Surrey, or any seven or more of them, or to such person or persons as shall be appointed under the hands and seals of the faid commissioners, or any seven or more of them, to receive the fame, the sum of thirty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied towards finishing the said bridge, and to enable the said commissioners. to perform the other trusts reposed in them.

XXIII. And it is hereby also enacted, That out of all or any enable his Ma- the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money not exceeding five hundred thousand pounds, to enable his Majesty to carry on the war with vigour both by sea and land, and to make good such treaties as are or shall be made with his Majesty's allies, for the year one

thousand seven hundred and forty seven.

7,978 1. 8 8. 4 d. to the deficiency of ttamp duties.

500,0001. to

jelty to carry

on the war.

13,910 l. 5 d. halfpenny, to the deficiency of the duties on fweets.

35,000 l. for interest due on the falt duties.

XXIV. And it is hereby also enacted by the authority aforefaid, That out of all or any the aids or supplies as aforesaid, there shall and may be issued and applied any sum or sums of money not exceeding seven thousand nine hundred seventy eight pounds, eight shillings, and four pence, to replace to the finking fund the like fum paid out of the same, to make good the deficiency of the additional stamp duties at Christmas, one thoufand seven hundred and forty five; and any sum or sums of money not exceeding thirteen thousand nine hundred ten pounds. and five pence halfpenny, to replace to the faid finking fund the like fum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from British or foreign fruit or sugar, at Michaelmas, one thoufand feven hundred and forty fix; and any fum or fums of money not exceeding thirty five thousand pounds, to replace to the faid finking fund the like fum paid out of the same, to answer one year's interest due at Michaelmas, one thousand seven hundred and forty fix, after the rate of three pounds ten shillings per centum per annum, on the principal sum of one million lent



#### Anno vices.mo Georgii II. c. 36. 1747.

on the credit of the falt duties, which were continued for fix years, from Lady-day, one thousand seven hundred and fitty three, towards the supply for the year one thousand seven hundred and forty five; and any fum or fums of money, not exceeding forty nine thousand six hundred ninety three pounds, seven- 49,693 l. 17 8 teen shillings, and nine pence halfpenny, to replace to the said od. halfpenny, finking fund the like sum paid out of the same to make good to make good the additional the deficiency of the additional duties on wines at Midjummer, duties on

one thousand seven hundred and forty six.

XXV. And it is hereby also enacted, That out of all or any 10,211 l. 5 s. the aids or supplies aforesaid, there shall and may be issued and 3d. farthing, applied any sum or sums of money, not exceeding ten thousand deficiency of two hundred eleven pounds, five shillings, and three pence far- the general thing, for making good the deficiency of the general fund for fund. the year ending at Michaelmas, one thousand seven hundred and forty fix; and any fum or fums of money, not exceeding one 135,3781. 4 s.1 hundred thirty five thousand three hundred seventy eight 7d. deficiency pounds, four shillings, and seven pence, to make good the de- of grants. ficiency of the grants for the service of the year one thousand seven hundred and forty fix; and any fum or fums of money, not exceed- 16,670 l. 11 s. ing fixteen thousand fix hundred seventy pounds, eleven shillings, deficiency on and one penny farthing, for making good the deficiency at Lady-licences for day, one thousand seven hundred and forty six, of the duty on retailing spilicences for retailing of spirituous liquors; and any sum of sums rituous liof money not exceeding one thousand four hundred twenty one quors. pounds, eleven thillings, and two pence halfpenny, for making 2d. halfpengood the deficiency at Christmas, one thousand seven hundred ny, deficiency and forty fix, of the additional duties on all wines imported; on wines imand any fum or fums of money not exceeding fifty eight thou-ported. fand two hundred thirty three pounds, one shilling, and one 58,2331. 1 s. penny, for making good the deficiency at Christmas, one thou- on glass and fand seven hundred and forty six, of the duties on glass and spi- spirituous lirituous liquors; and any fum or fums of money, not exceeding quors. thirty eight thousand six hundred forty eight pounds, five shil- 38,648 l. 58. lings, and two pence farthing, for making good the deficiency 2 d. farthing, at Christmas, one thousand seven hundred and forty six, of the deficiency of furplus of the fund of the lottery one thousand seven hundred 1714. and fourteen.

XXVI. And whereas by an act of parliament made and passed in the fixth year of the reign of her late majesty Queen Anne, (intituled, 6 Anne, c. 12. An act for continuing one half part of the subsidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported, which were granted to the crown in the twelfth year of the reign of King Charles the Second; and for settling a fund thereby, and by other ways and means, for payment of annuities, not exceeding eighty thousand pounds per annum, to be fold for raising a further supply to her Majesty for the fervice of the year one thousand seven hundred and eight, and other uses therein expressed) certain annuities were granted and made payable at the exchequer out of the said duties by that ast continued: and whereas in pursuance of an act made in the sixth year of

6 Geo. 1. c. 4. the reign of his late majesty King George the First (intituled, An act for enabling the South Sea company to increase their present capital stock and fund, by redeeming such publick debts and incumbrances as are therein mentioned; and for raising monies to be applied for lessening several of the publick debts and incumbrances; and for calling in the present exchequer bills remaining uncancelled, and for making forth new bills in lieu thereof, to be circulated and exchanged upon demand, at or near the exchequer) several of the proprietors of the annuities before mentioned did subscribe the same into the capital stock of the said South Sea company, upon the terms in the faid last recited att mentioned, by means whereof the said company are become intitled to the yearly fun of forty seven thousand three hundred twenty seven pounds, thirteen shillings, and eight pence, for interest, and charges of management, upon such part of the said annuities so subscribed into their capital: and whereas the monies arisen into the exchequer, of or for the rates and duties by the faid first recited act granted, have proved fo low and deficient, that at the feast of the birth of our Lord Christ, one thousand seven hundred and forty fix, there was due and payable to the several persons intitled to such part of the said annuities, as were not subscribed to the South Sea company, as also to the South Sea company, upon their annuity aforesaid, the sum of eighty five thousand nine hundred fixty eight pounds, twelve shillings, and three pence three farthings: and whereas no provision is made by the said acts, or either of them, for making good fuch deficiency; be it therefore enacted by the authority aforesaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money, not exceeding the fum of eighty five thousand nine hundred fixty eight pounds, twelve shillings, and three pence three farthings, to make good to the several propriepayable to the tors of the said annuities, as also to the said South Sea company, the several sum or sums of money due to them, to satisfy their company, &c. respective annuities, payable by the said acts of parliament, to or for any time before the said feast day of the birth of our Lord Christ, one thousand seven hundred and forty fix.

85.968 1. 12 5. 3 d 3 farthings, to mike good the annuities South Sea

The fupplies to be applied as this act directs.

XXVII. And be it further enacted by the authority aforefaid, T'hat the said aids or supplies provided as aforesaid shall not be issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpole contained in any other act or acts of this presentsession of parliament.

XXVIII. And as to the faid fum of twenty nine thousand nine hundred fourteen pounds, fifteen thillings, and ten pence, by this act appropriated on account of half-pay, as aforefaid; it is hereby enacted and declared by the authority aforefaid, That the rules herein after preferibed tha'l be duly observed in the application thereof; that is to fay, That no person shall have or receive any part of the lame, who was a minor, and under the age of fixteen years, at the time when the regiment, troop, or company,

Rules to be observed in the applica. tion of the half-pay.

### Anno vicesimo Georgii II. c. 36. 1747-]

company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit, civil or military, under his Majesty, shall have or receive any part of the faid half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain, or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the same, who has refigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken

off the establishment of half-pay in Great Britain.

XXIX. And whereas by an all of parliament made in the nine- 19G-0 2. C, 31. teenth year of bis Majesty's reign, (intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty fix; and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further appropriating the supplies granted in this session of parliament; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders, loft, burnt, or otherwise destroyed) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which any sum or Jums of money, not exceeding twenty four thousand seven hundred and one pounds, seven shillings, and six pence, was appropriated to be paid to the reduced officers of his Mujesty's land forces and marines, subjest nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty four thousand seven hundred and one pounds, seven shillings, The surplus of and fixpence, as is or shall be more than sufficient to satisfy the last y as s faid reduced officers, according to the rules prescribed by the faid be applied to act to be observed in the application thereof, or any part of such uch objects as overplus, shall or may be disposed of to such officers who are his M etty maimed or loft their limbs in the late war, or such others, as shall direct by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity; or to the widows or children of such officers, according to such warrant or warrants, under his Majesty's royal sign manual, as shall be signed in that behalf; any thing in this act, or the faid former act to the contrary notwithstanding.

XXX. And it is hereby likewise enacted, That out of the 22,2671 sile monies or favings arifing from the money granted by parliament, halfpenny, applicable to the relicf and provision of the widows of officers, to the two who troops of G 3

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Anno vicesimo Georgii II. c. 37, 38.

1747.

horfe guards, and three regiments of horse lately reduced.

who have been killed or died in the service, there shall and may be iffued and applied, by any warrant or warrants of his Majefty, under his royal fign manual, any fum or fums of money, not exceeding the fum of twenty two thousand two hundred and fixty feven pounds, and five pence halfpenny, for defraying the charge of the allowances to several officers and private gentlemen of two troops of horse guards, and three regiments of horse lately reduced, together with the incident charges arising therefrom, for the year one thousand seven hundred and forty seven.

The bounties Irish coarse linens continued, &c. 15Geo.2. C.29.

XXXI. And be it further enacted by the authority aforesaid, on English and That the bounties on the exportation of British and Irish coarse linens, shall continue to be paid under the regulations of the acts of the fifteenth, fixteenth, and eighteenth years of his Majesty's reign; and that the same shall be paid out of such part of the 18Geo.2.c.25. old subsidy, as is applicable to the payment of incidents; and that an account thereof be laid before the house of commons every session of parliament, in order to replacing the same out of the next aids to be granted in parliament.

## CAP. XXXVII.

An act for the ease of sheriffs with regard to the return of process.

POR the ease of sheriffs with regard to the return of process, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the twenty ninth day of September, one thousand seven hundred and forty seven, turned over to all sheriffs of any county, city, liberty, division, town corporate, the succeeding or place, shall, at the expiration of their office, turn over to the fucceeding sheriff, by indenture and schedule, all such writs and process as shall remain in their hands unexecuted, who shall duly execute and return the same; and in case any such sheriff shall refuse or neglect to turn over such process, in manner aforefaid, every fuch sheriff so neglecting or refusing, shall be liable to make such satisfaction, by damages and costs, to the party aggrieved, as he, she, or they shall sustain by such neglect or refufal,

Process unexecuted, to be theritt;

on penalty of making good the damage.

Sheriff not liable to make return of any writ, &c. afer 6 months.

II. And be it further enacted by the authority aforesaid, That no sheriff shall be liable to be called upon to make a return of any writ or process, unless he be required so to do within six months after the expiration of his faid office.

# CAP. XXXVIII.

An att for the relief and support of maimed and disabled seamen, and the widows and children of such as shall be killed, flain, or drowned, in the merchants service.

7 & 8 W. 3. C. 21.

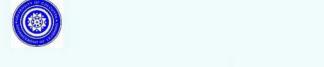
TATHEREAS by an act made in the seventh and eighth years of the reign of his late majesty King William the Third, for the encouragement and increase of seamen, certain encouragements

were given for seamen to register themselves in and for his Majesty's service; and in case any such registered seamen should, by age, wounds, or other accidents, be disabled for future service at sea, and should not be able to maintain themselves comfortably, and the children of fuch disabled seamen, and the widows and children of such of them as should happen to be flain, killed, or drowned in sea service, were to be provided for in the royal hospital at Greenwich, so far forth as the faid hospital should be capable to receive them, and the revenue thereof would extend; and, for the better support of the said bofpical, fix pence per month is by the faid act to be allowed out of the wages of every seaman employed in the merchants service, as well as of these employed in the service of the royal navy: and whereas by an att made in the ninth year of the reign of her late majesty Queen Anne, so much of the said att as relates to the registering of Seamen ? Annæ, c.21. was repealed; whereby every seaman in the service of the royal navy 1. 64. (though not registered) is intitled to the benefits of the said hospital: and whereas by an all made in the tenth year of the reign of her late majesty Queen Anne, for the better collecting and recovering the duties 10Annæ, c.17. granted for the support of the said hospital, any seaman is to be confidered as fully qualified for an admission into the said hospital, who shall offer bimself to be admitted, and shall produce an authentick cersificate of his having been wounded, maimed, or hurt in defending any ship belonging to the subjects of this kingdom against the enemies thereof, or in taking any ship from the enemy, and being thereby disabled for sea service: and whereas by an act made in the eighth year of the reign of his late majesty King George the First, for the more effec- & Geo. 1. C.24. tual suppressing of piracy, every seaman on board any merchant ship, who shall be maimed in fight against any pirate, upon due proof thereof, is to be admitted into, and provided for in the faid hospital, pre-Ferable to any other seaman who is disabled from service, or getting a livelihood, merely by age: and whereas by an act made in the eighth & Geo. 2. C. 29. year of the reign of his present Majesty, for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater, and Charles Ratcliffe, feamen on board any merchant ship or vessel, who shall be maimed in fight against any enemy of his Majesty, his heirs and successors, are to be admitted into, and provided for in the said hospital, in like manner as any other feamen wounded or disabled in the service of his Majesty, his heirs or successors: and whereas the said hospital is not capable to receive, nor the income thereof sufficient to provide for the Seamen in the Service of the royal navy, who are wounded, maimed, or worn out by age, or otherwise intitled to the benefits thereof, so that the seamen in the merchants service, maimed and disabled in fight, have seldom or never been admitted into the faid hospital, though intitled thereto, and proper objects of charity: and whereas there is no provision at all made. by either of the faid acts, for such seamen in the merchants service as are maimed or disabled by accidental misfortunes, or for those worn out by age, or for the widows or children of fuch as shall be killed, flain, or drowned in the faid service : and whereas the seamen in the merchants fervice are willing to allow fix pence per month, out of their wages, to be applied for the relief and support of such as shall be maimed,

maimed, or disabled, or svorn out by age, and of the widows and shildren of these who shall be killed, slain, or drawned in the foid Service: and foresmuch as the seamen in the merchants service have, during the course of this war, manifested their courage and resolution, and deserve all due encouragement; and the establishing the faid charity will tend to the bonour and good of the publick; but the same con-

Governors

mames.



not be effected without the aid and authority of parliament; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That Alexander Hume, John Bristow, John Bance, Harry Gough, Albert Nisbett, Nathaniel

Newman junior, Joseph Gulfton, Charles Pole, esquires; Sir Peter Thompson knight, Robert Nettleton, Robert Thornton, John Smith, Abraham Hume, Henry Norris senior, Peter Du Cane, Jostas

Wordswarth, Joseph Fawthorp, Charles Savage, William Hunt, Merrick Burrell, James Lock, Henry March, Henry Muilman, Theodore Jacobson, James Theobald, Brian Benson, Roger Drake,

John Gore, Walter Vane, Thomas Godfrey, John Wenham, Nathaniel Pace, William Willy, esquires; Josiah Chitty, Henry Norris junior, Joseph Adams, Thomas Allen, Samuel Baker, Matthews

Brathcroft, Humphrey Bell, William Black, Charles Boehm, Edmund Beebm, Joseph Chitty, Jacob Chitty, Abel Fonnersau, Zachariah Philip Fannereau, Abraham Franco, Jacob Franco, John Furly le-

nior, John Godlee, Godhard Hagen, Ezekiel Hall, John Hanbury, Tilman Henckell, Edward Hunt, Joel Watson, Gerard Vanneck,

Johns Vanneck, Godfrey Thornton, John Weyland, Robert Dingley, Pater Thomas, Thomas Hyam, Eliakim Palmer, Chauncey Townsend,

Peter Muilman, John Payne junior, John Thornton, William Wilberforce, Henry Sperling, James Brogden, Gilbert Malcher, Thomas

Swayne, Beeston Long, Stephen Theodore Jansen, Thomas Bochm, Benjamin Bond, William Bowden, Thomas Forfter, William Hayter, Clarmont, Edwin Martin, John Porter, John

Sparrow, Thomas Spencer, James Sperling, John Thomlinson, Gent Amyond, John Van Rixtel, Alexander Sheafe, Linung Liebert Dorrion, Henry Shiffner, George Prescet junior, Andrew

Pringle, Robert Macky, Nicholas Mogens, James Henckell, James Buchanan, James Whitchurch, Harman Beerens, Thomas Chitty. Griffin Ransom, Benjamin Mee, George Newland, Richard King,

Thomas Tryan, John Simpson, Samuel Stork, Thomas Chace, Samuel Clark, John Goddard, merchants; master Thomas Bennet, master Adam Spencer, and master John Canbam, and their successors, to Governors in- be elected and named in manner herein after directed and ap-

pointed, shall be, and are hereby declared and adjudged to be one body corporate and politick, in deed and in name, by the Name of cor. name of The president and governors for the relief and support of fick, maimed, and disabled framen, and of the widows and children

of such as shall be killed, flain, or drowned, in the merchants fervice : and that by the lame name of The president and governors, they shall have perpetual faccession, and a common seal, with power

corporated.

poration,

#### Anno vicefimo GEORGII II. C. 33. エフセク・」

power to change, alter, break, and make new the same, when and as often as they shall judge expedient; and by the same name may fue and be fued, implead and be impleaded, answer and be answered unto, in all or any court or courts of record, and places of judicature within this kingdom; and that they, and their successors, by the name aforesaid, shall be able and capable in law to have, hold, receive, enjoy, possess, and retain, in trust for the ends and purposes of this act, all such sum and fums of money as are granted, and thall be raifed, collected, and received by virtue of this act, or shall be contributed, devised, or bequeathed, by any well-disposed persons, to and for the said ends and purposes; and that they, and their successors, by the name aforefaid, thall and may, at any time hereafter, without May purchase licence, in mortmain, purchase, take, or receive any lands, te-lands for nements, or hereditaments, or any estate or interest arising or building an derived out of the same, so that such lands, tenements, or hereditaments, be only for the scite of, or to be converted into an hospital, with offices and appurtenances necessary thereunto for

the laid ends and purpoles.

II. And be it further enacted by the authority aforefaid, Provision to be That the faid prefident and governors, and their successors, to made for the be elected and named in the manner herein after directed and disabled feaappointed, shall, and may, and they are hereby authorized and men; impowered to provide in such hospital, for the reception of such feamen as shall be rendered incapable of present or future service, by fickness, wounds, or other accidental misfortunes, and those who shall become decrepit, or worn out by age; or shall provide for such seamen, by allowing them certain pensions, or otherwise, and for penas to the faid prefident and governors, and their fuccessors, shall nons: from meet, and most for the advantage of the intended charity; and also to relieve the widows and children of such seamen as and their withall be killed, flain, or drowned in the faid fervice; provided dows and fuch children are not of the age of fourteen years; or if of that children. age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and are proper objects of charity; and to make reasonable allowances to those who shall lose an eye or limb, or be otherwise hurt or maimed, in fighting, defending, or working the ships, in which they respectively serve, or in loading or unloading the cargoes thereof, or otherwise howsoever, in doing their duty in the said service, in proportion to the damage or hurt they shall respectively receive, to far forth as the income and revenues which are, shall, or may be vested in the said president and governors, and their succesfors, will extend for the purposes aforesaid, according to such rules, orders, and regulations, as are or shall be established by or in pursuance of this act.

III. Provided nevertheless, That no seaman in the said service shall be intitled to any of the provisions or benefits of this act, Seamen to pro-unless he shall produce, or cause to be produced, a certificate to cates of the the president, assistants, and committees herein after named, or hurt they retheir fuccessors, of the hurt or damage he hath received, from ceived.

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to make oath.

Certificates to feamen difabled by fickneis;

Widows and children.

the master, mate, boatswain, and surgeon, or so many of them as were in the ship or vessel to which such seaman did belong at the time of his receiving such hurt or damage; or of the master, and two of the seamen, if there is no other officer; or in case the mafter shall die, or be killed, or drowned, then of the person who shall take upon him the care of the ship or vessel, and two of the seamen on board the same, under their hands and seals, thereby fignifying how and in what manner such seamen received fuch hurt or damage, whether in fighting, defending, working, loading, or unloading the faid ship or vessel, where and when he entered, and how long he had ferved on board the fame; Parties figning and the parties so signing and sealing such certificate, shall and the certificates are hereby required to make oath of the truth of the contents thereof, before some one of his Majesty's justices of the peace, if given in Great Britain or Ireland, or other his Majesty's dominions, or the chief officer of the customs of the port or place where there is no justice of the peace, or before the British conful or refident in any foreign country where such certificate is executed (who are hereby respectively authorized and required to administer the same without see or reward) and in case of sicknefs, whereby fuch feaman shall be rendered incapable of fervice, a certificate figned, fealed, and authenticated in like manner, fignifying that he was healthy when he entered on board fuch ship or vessel, and that such sickness was contracted on board the same, or on shore, in doing his duty in the service of the ship, and not otherwise; and expressing the time and place he entered on board fuch thip or vessel, and how long he had ferved therein; and that no widow, child, or children of any feaman killed, slain, or drowned in the said service, shall be relieved, or intitled to any allowance by virtue of this act, unless the or they, or some person on her or their behalf, shall produce a certificate figned, fealed, and authenticated in like manner, fignifying how and in what manner such seaman lost his life in the service of the faid ship or vessel, the time and place he entered on board, and how long he had ferved therein; and also another certificate, under the hands and seals of the minister and churchwardens, and overfeers of the poor of the parish, township, or place, or any two of them, or under the hands and feals of the minister and overseers of the poor of the parish, township, or place, or any two of them, where there are no churchwardens; and if fich widow, child, or children, are some of the people called Quakers, then by any two reputable persons of that persuafion, of the parish, township, or place where such widow, child, or children have a legal settlement, or do inhabit or reside, to be attested by two or more credible witnesses, that such widow was the lawful wife, and real widow, and that fuch child or children was or were the lawful child or children of fuch feaman killed, flain, or drowned as aforesaid, and is or are under the age of fourteen years; or if of that age, or upwards, not capable of getting a livelihood, by reason of lameness, blindness, or other infirmities, and is or are proper objects of charity; and that no feaman

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shall be provided for by a pension, or otherwise, as decrepit or worn out, unless such seaman shall have served in the merchants Seamen not service for the space of five years, and contributed and paid fix intitled who pence per month out of his wages for that time, to and for the have not fervgood ends and purposes of this act.

IV. Provided always, and be it further enacted, That if Persons forgany person shall forge, counterfeit, erase, or alter, or shall pro- ing, &c. cercure to be forged, counterfeited, erased, or altered, or shall un-tificates, fairly or unduly obtain any certificate, in order to intitle him or her to any the pensions, allowances, or benefits of this act, and shall produce, or cause such certificate to be produced for that purpose, such certificate shall, upon discovery thereof, be null and void; and such person so applying for relief or provision, shall be for ever incapable of receiving any the benefits of this as incorrigible act, and shall be subject and liable to the like punishment as an rogues. incorrigible rogue is subject and liable to, and shall be punished

accordingly as luch.

V. And be it further enacted by the authority aforesaid, That for the more constant and ordinary management of the monies to be raised for the good ends and purposes aforesaid, there shall be, from time to time, and for ever hereafter, a president, and twenty one affistants or committees, of the faid hereby erected corporation; and that Henry Norris senior esquire, shall be the President and first president, and Alexander Hume esquire, Sir Peter Thompson affistants knight, Robert Nettleton, Robert Thornton, John Smith, Peter Du Cane, Josias Wordsworth, Joseph Fawthorp, esquires; Josiah Chitty, Henry Norris junior, William Black, John Hanbury, John Weyland, Robert Dingley, Thomas Hyam, James Brogden, Stephen Theodore Janssen, John Thomlinson, merchants; master Thomas Bennet, master John Canbam, master Adam Spencer, the twenty one alliftants or committees.

VI. And be it further enacted by the authority aforesaid, to continue till That the said herein before-named president and assistants, or 24 June, 1748. committees, shall continue and remain so to be, till the twenty New election fourth day of June, one thousand seven hundred and forty eight; to be yearly, and notice in on which said twenty fourth day of June in every year, yearly, the Gazette. for ever hereafter, or within five days, either before or after the said twenty fourth day of June, ten days notice being given in the London Gazette, of the day fixed by a general court or afsembly to be then held of the president and governors of the said corporation for the time being, a new choice or election of a prefident and twenty one affiftants, or committees, shall be made and taken by the faid president and governors, or the greater part of them then present, for the year then next following; who after fuch election, shall continue and remain such until the next general court or affembly to be annually held for the election of a president and assistants, or committees, as aforesaid.

VII. And be it further enacted by the authority aforesaid, President to That at all and every the general courts or affemblies of the faid have a vote. prefident and governors, and at the several full courts of affiftanta or committees, to be held as herein after is directed, the

faid

1747.

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faid president for the time being shall have voice, and shall vote and act as a member of fuch general court, or courts of committees; and in case of an equality of votes, the said president shall have and exercise a casting vote.

Four general courts yearly;

Notice in the Gazette.

times,

giving notice.

Prefident and 5 affiftants to

meet weekly,

to appoint offacers, &c.

Exception.

VIII. And be it further enacted and declared, That there shall be four general courts at least held every year; that is to lay, on the faid twenty fourth day of June, on the twenty ninth day of September, on the twenty fifth day of December, and on the twenty fifth day of March, or within five days before or after either of the faid days respectively, of which ten days notice shall be given in the London Gazette; and the said president and alliltants, or committees, shall have power to call a general court, at any other time or times, as the affairs of the faid corporation Courts may be thall require; and are also impowered and required to call a called at other general court, at the request of any thirteen of the members of the faid corporation, fignifying the fame, by writing under their hands; provided that ten days notice at least be given in the London Gazette, of the time and place of the meeting of every fuch general court so to be called as aforesaid.

IX. And be it further enacted by the authority aforefaid.

That the faid prefident, with any five or more of the faid afmake a court; sistants, or committees, for the time being, shall make a full court of affiftants, or committees; and shall meet, from time to time, upon Wednesdays weekly, in or near the city of London, or at fuch other time and place as they shall think fit to appoint; and such court of assistants, or committees; thall have power, when affembled, as aforefaid, in the name of the faid corporation, and on their account, to apply the monies arising, and to be received, by virtue of this act, and vefted in the faid corporation, for the relief and support of such seamen, and their widows and children, as are before described; and shall be intitled to the benefits and provisions of this act, in the manner herein directed, and in case there shall be any surplus thereof, or any sum or fums of money shall be contributed and given for the purposes of this act, by any well disposed persons, to lay out the same in parliamentary securities, or to dispose of the same in the purchase of fuch lands, tenements, and hereditaments, as are hereby before allowed, and with and under their common feal, to enter into any covenants or contracts for the purposes aforesaid, as they shall think fit for the better affecting and carrying on the charity hereby intended; and to appoint and choose, and at their pleasure to remove, displace, and supply any officers, fervants, and other person or persons to be employed for the purposes herein mentioned and intended, or other affairs of the said corporation (other than and except fuch officers and persons as are directed to be appointed and chosen at a general court or assembly of the said corporation) and to direct and appoint such falaries, perquifites, or other rewards, for their labour or fervice therein, as they shall approve or think proper; and to do, manage, and transact, and determine, all such other matters and things, as shall to them, or the greater part of them, appear necessary



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and convenient for the affecting or carrying on the purpofes

hereby intended.

X. And be it further enacted and declared, That the manage- Committees to ment, transactions, and accompts of the said president and assist- be subject to ants, or committees, shall be, from time to time, and at all times the by-laws. hereafter, subject and liable to such audit and inspection, allowance, disallowance, and controul of all or such of the members or governors of the faid hereby erected corporation, as by any by-laws ordinances of the same corporation shall be for that purpose constituted and appointed.

XI. And it is hereby further enacted by the authority afore- Receiver. faid, That there shall be a receiver of the hereby erected corporation, who shall be chosen by the said president and governors, or the greater part of them affembled in a general court, as aforesaid; and shall and may be allowed such salary as to them thall seem proper, and be at their will and pleasure displaced and removed from his station or employment, and another fit and

able person thereunto appointed and chosen in his room.

XII. Provided also, and be it declared and enacted. That if Vacancies to there be any vacancy or vacancies of any person or persons, be filled up at chosen at a general court, as aforesaid, happening by death or a general removal, such vacancy or vacancies shall be filled up at a gene-court. ral court or affembly to be held of the faid prefident and governors, after ten days notice at least to be given thereof in the Lon-

don Gazette, of fuch election. XIII. And to the intent that there never may be wanting a competent number of members or governors of the faid hereby erected corporation; therefore for perpetuating the fucceffion thereof, and for supplying and filling up the places of president and affistants, or committees, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the faid prefident and governors, or the greater part of them that shall be present in such general court or assembly, to be held as aforesaid (so that not less than thirteen governors be Thirteen gothen prefent) to elect and choose some other fit and able person vernors to be or persons to be a member or governor, or members or governers, present at the of the faid hereby erected corporation, in the room or place of fuch a governor, of the persons above-named, or to be, from time to time, elected members or governors, as aforefaid, who shall happen to depart this life, or shall refuse to accept of being, or to continue, and remain to be, a member or governor as aforefaid.

XIV. And be it further enacted by the authority aforesaid, and at the That it shall and may be lawful for the said president and gover- making bynors, in a general court affembled as aforesaid (so that not less than thirteen governors be then present) to make, ordain, and constitute, such and so many by-laws, constitutions, and ordinances, as to them, or the greater part of them, then and there present, shall seem necessary and convenient for the establishing the faid hereby erected corporation, and the officers, fervants. and persons by them, in and about the affairs of the said corporation, to be employed; and for the better applying the mo-



ney hereby to be raised and received, and providing for the perfons intitled to the benefits of and provisions made by this act; and for the auditing the accounts, and the controuling, allowing, or disallowing the transactions of the said president, assistants, or committees, and of the said officers, servants, and persons: and the same by-laws, orders, ordinances, and constitutions, fo made, to put in use accordingly; and at their will and pleafure to revoke, change, and alter the same; which said by-laws, orders, and ordinances, so as aforesaid made, shall be duly kept and observed, so always as the said constitutions, by-laws, orders, and ordinances, be reasonable, and not contrary or repugnant to the statutes, customs, or laws of this kingdom, or any of the express regulations of this act.

XV. Provided also, and it is hereby declared, That in case the president shall at any time not attend, then it shall be lawful another to be to and for the faid affistants, or committees, at a court of asfistants or committees, and the faid governors, at a general court, to depute and appoint any other person a member or governor of the faid corporation, to prefide, vote, and act as prefident in his absence, and to do all and every act or acts, thing or things, as well at the faid general court, as at the court of affistants or committees, or otherwise, as he the said president is

hereby impowered, authorized or required to do.

vernors.

Prefident not

attending,

deputed.

XVI. And, for the encouragement of fuch as shall be bene-Persons giving factors to so good a design, be it enacted by the authority aforesol. to be go- faid, That if any person charitably disposed, shall at one or more payments, pay into the hands of the receiver of the faid hospital for the time being, or such person as shall be deputed for that purpose, the full sum of fifty pounds, to and for the good uses and purposes in this act mentioned, such person shall be, and is hereby declared to be, from the time of fuch payment of fuch fifty pounds as aforesaid, a governor of the said hereby erected corporation.

vellels, &c. month.

XVII. And for the effecting the good ends and purposes aand masters of foresaid, be it enacted by the authority aforesaid, That every seaman, or other person whatsoever, who shall serve, or be emto pay 6d. per ployed by any person or persons whatsoever, in any merchant ship, or other private ship or vessel belonging, or to belong to any of the subjects of his Majesty, his heirs or successors, in that part of Great Britain called England; and every master or owner, navigating or working in his own thip or vettel, whether employed on the high sea, or coasts of the same, or in any port, bay, or creek (other than fuch apprentices, under the age of eighteen excepted, &c. years, as are exempted from payment of fix pence per month to the faid royal hospital at Greenwich, by an act made in the second year of the reign of her late majesty Queen Anne, for the increase of seamen, and better encouragement of navigation, and security of the coal trade; and such person or persons as shall be employed in any boat, upon any of the coasts of that part of Great Britain called England, in taking of fish, which are brought fresh on shore; and every person and persons employed in boats or



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vessels, that trade only from place to place within any river of that part of Great Britain called England, or in any open boats upon the coasts of the same; and pilots employed on board any ship or vessel) shall, from and after the twenty ninth day of September, one thousand seven hundred and forty seven, pay, and there shall be allowed and paid by every such master, owner, feaman, or other person employed, or that shall be employed, fix pence per month of lawful money of Great Britain, and proportionably for a leffer time, during the time he or they shall be employed in, or belong to, the faid ship or vessel, for the uses

and purpoles aforelaid.

XVIII. And it is hereby declared and enacted, That the ma- Mafters to ster, owner, or commander of every such merchant or private keep 6d. per ship or vessel, is hereby impowered and required to deduct and month, out of detain out of the wages, shares, or other profits, payable or ac-seamens pay; cruing to such seaman, or other person employed in his ship or vessel, the said duty of six pence per month (other than for such apprentices, and other persons, as are before excepted) and shall pay the same to such officer or officers as shall on that behalf be and pay the appointed by the faid prefident and governors, or the truffees to fame to the be appointed at any of the out-ports, and their successors, for receiver. the collecting, recovering, and receiving the faid duty of fix pence per month respectively, if such seaman, or other person, shall have or be intitled to any such wages, shares, or profits.

XIX. And be it further enacted, That it shall and may be Receivers to lawful for the faid prefident and governors, and their successors, be appointed at a full court of allistants, or committees, to appoint such person for the port of or persons as they shall think fit, to be receiver or receivers of London; the faid duty at the port of London; and also depute and appoint the collectors, or other officers of the customs of his Majesty, and out-ports. his heirs or fucceffors, in the several out-ports of that part of Great Britain called England, or fuch other persons as they shall think fit, to collect and receive the same (except in such out-ports where separate trustees shall be appointed by virtue of this act;) which faid receivers, as also the faid collectors and officers of the customs (if so appointed) are hereby impowered and required to collect, receive, and pay over the faid duty, according to fuch instructions and directions as shall be, from time to time, sent to them in writing by the faid pretident and governors, and their fuccessors: and for the care and pains therein of the said collect- Salaries to be ors, and other officers of the customs, and others to be appoint- appointed ed to collect, recover, and receive the faid duty, it shall and may them. be lawful for the faid prefident and governors, and their fucceffors, at such court of assistants, or committees, to make such allowance to them, out of the faid duties, as they shall judge reafonable.

XX. And be it further enacted by the authority aforesaid, Masters to That every master, commander, or owner of any merchant ship, keep a musteror any other private ship or vessel, navigating the same, or such roll; other person who shall have the care thereof, shall keep a book by way of a muster roll; in which shall be entered his own christian

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and deliver duplicates to

the voyage;

Duplicate to the collector.

Copies to be originals transmitted to

Penalty 201.

Collectors to fummon maders,

christian and surname, and the christian and surnames of all the officers, seamen, or other persons employed in such ship or vestel, with the usual place of their abode when on shore; and over against each name, the time when, and place where, such feaman, or other person, entered into the service of such ship or vessel; and in what ship or vessel he performed his last voyage; a duplicate whereof shall be figned by the faid master, commander, owner, or other person having the care of such ship or vessel, the collectors. and shall be delivered before the departure of such ship or vessel, to the receiver or collector of the faid duties, at the respective Muster-roll to port to which such ship or vessel doth belong; and such master, be keptduring commander, owner, or other person having the care of such ship or veffel, shall continue to keep such book by way of muster-roll, during the whole course of the voyage, and shall, from time to time, enter therein, when and where any fuch master, officers, feamen, or other person shall be discharged from, or shall leave or defert such ship or vessel, and when and where any other officers or men shall be shipt on board, describing them in the like manner as the persons who first entered on board are before directed to be described; and when and where any of them received any hurt or damage, or were killed, flain, or drowned, in case there shall be any such; a duplicate of which continuation be delivered to of the muster-roll shall be likewise signed by the said master, commander, or other person having the care of the ship or vessel, and shall be delivered at the return of such ship or vessel to the receiver or collector of the faid duties, at the respective port to which fuch ship or vessel does belong; and true copies of the faid duplicates shall be made by such receiver or collector, which filed, and the shall be filed and kept by him; and the original duplicates shall be transmitted by such receiver or collector to the president and the governors; governors aforesaid, to be, by such officer as shall be appointed for that purpose, filed and kept: and in case such master, commander, or other person, shall neglect to keep such book or musterroll, or shall neglect or refuse to deliver such duplicates as aforefaid; and in case such receiver or collector shall neglect to make, keep, and file fuch copies thereof, or neglect or refuse to transmit the duplicates which shall be delivered to him as aforesaid, to the faid prefident and governors; they shall severally and respectively forfeit and pay, for every such offence or offences, the fum of twenty pounds of lawful money of Great Britain.

XXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said collectors and receivers, for the better discovery of what shall be due from the persons serving on board, or belonging to any merchant ship, or other private ship or vessel aforesaid, by warrant under his or their hand or hands, to summon all such masters and commanders, or (in their absence) such owner or owners of such ship and vessel, to be and appear at the office of the faid collectors or receivers respectively (so as the persons so summoned be not obliged to travel above ten miles for the making such appearance;) which faid collectors and receivers are hereby impower-

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ed and directed to examine every such master and commander, and examine or owner or owners, upon oath (which oath fuch collectors and them upon receivers, and every of them respectively, are hereby impower-oath. ed and required to administer) as to the truth of the copy of fuch book or muster-roll, and as to the number and times of fervice of all and every person and persons belonging to, or employed in, such ship or vessel, who are liable to, or chargeable with, the said sum of six pence per month; and if such masters Masters, &c. or commanders, or (in their absence) such owners, or any of notappearing, them, shall refuse or neglect, when so summoned, to appear &c. before the faid respective persons hereby impowered to examine them in manner as aforesaid; or if they appear, and obstinately refuse to make full and true discovery of the matters aforesaid, upon their feveral oaths; then, and in every fuch case, all and every fuch offender or offenders, for every fuch refusal, shall forfeit the sum of twenty pounds of lawful money of Great forfeit 201. Britain.

XXII. And, for the more easy and effectual collecting the faid fix pence per month of and from the masters, commanders, and owners of merchant thips or vettels that are or thall be hired or employed by the commissioners, or other officers of the navy, victualling, ordnance, customs, post-office, or other publick offices, for or in the service of his Majesty, his heirs or successors; be it further enacted by the authority aforesaid, That the secre-Clerks of the taries or chief clerks of the aforesaid offices, or any other pub-offices hiring lick offices of the crown, usually hiring or employing snips or ships for his veffels for or in the service of his Majesty, his heirs or success- Majesty's serfors, shall, and they are hereby respectively required to deliver duplicates of a duplicate of the lift or account of the number and names of the ships and fuch ships so hired or employed, and of the names of the ma-crews to the sters, commanders, and owners of every such ship or vessel re-collector. spectively, and of the numbers of seamen, or other persons employed in such ship or vessel, to the receiver or collector of the faid duty of fix pence per month at the port of London, or any of the out-ports to which fuch ship or vessel does respectively belong, granted by this act, as is by virtue of an act made in the second year of the reign of his present Majesty, to be deli- a Geo. a. c. 7. vered to the receiver or collector at the faid port of London, of the duty of fix pence per month given towards the support of the faid royal hospital at Greenwich; and the faid secretaries, chief clerks, and also all and every other officers of or belonging to the faid offices, and the masters, commanders, and owners of any thips or vessels hired and employed, or to be hired or employed by them, or any of them, are hereby also required act, matter, or thing, for the due and effecto do every ot tual payment of the faid fix pence per month hereby granted, as is directed and required to be done by the faid act of the fecond year of the reign of his present Majesty, for the effectual payment of the duty of fix pence per month granted to the faid royal hospital; and the said secretaries, chief clerks, or other officers, or any of them, and the faid masters, commanders, VOL. XIX.

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under the penalties of the fad act.

and owners of any ships or vessels hired and employed by them, or any of them, shall be subject and liable to the like penalties and forfeitures for any default, neglect, or omission, that shall be made in any of the acts, matters, or things, hereby required to be by them respectively done and performed, or for acting contrary to the directions of this act, as they are subject and liable to by virtue of the faid act of the second year of the reign of his present Majesty, for any default, neglect, or omission, in any of the acts, matters, or things required to be done and performed by, or for acting contrary to, the directions of the faid act.

Masters to pay the 6d. per port where the ship belongs.

Veffel not to be cleared till the duty paid.

Masters and other officers making default,

XXIII. And be it further enacted by the authority aforesaid, That all and every the masters, commanders, and owners of all collector of the merchant ships, and other private ships and vessels whatsoever, by this act made liable to the payment of the said duty of six pence per month, shall pay all such monies as shall from time to time be due from them, and every of them respectively, to the collectors and receivers to be appointed in pursuance of this act, for or on account of the said duty, at the ports only to which such ships or vessels do respectively belong, and before any fuch thips or veffels thall be cleared inwards, by the officers of the customs of his Majesty, his heirs or successors, in any of the ports of that part of Great Britain called England; and that no customer, collector, comptroller, receiver, surveyor, searcher, waiter, or other officer whatsoever, of or belonging to the customs of his Majesty, his heirs or successors, shall at any time hereafter clear inwards any merchant ship, or other private ship or vessel whatsoever, by this act made or declared liable to the payment of the faid duty of fix pence per month, or grant any warrant, or give or grant out any cockets, transires, returns, or discharges, unto or for any such ship or vessel whatsoever, or shall permit or suffer any such ship or vessel to go out of any of the ports before mentioned, until the faid master, commander, or owner or owners of every fuch thip or vessel respectively, shall and do produce and shew forth, unto such officer or officers, an acquittance or certificate figned by the said receiver or receivers, collector or collectors of the faid duties, whereby it shall appear that such master, commander, or owner or owners, have duly and fully paid and discharged the said duty, and that he or they is or are not more than three months in arrear for the same, or that they are exempted from the payment of the said duty by virtue of the exceptions herein contained; and every master, commander, and owner of any such ship or vessel, who shall refuse or neglect to pay the said duty of six pence per month, in the manner, and within the time herein before mentioned. limited, and appointed, for payment thereof, and also every customer, collector, comptroller, receiver, surveyor, searcher, waiter, and other officers of the customs, who shall make default in any of the premises enjoined them respectively by this act, or shall in any wife act contrary to the directions herein before mentioned, shall, for every tuch retusal, neglect, default,

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or act, forfeit the sum of twenty pounds of lawful money of forfeit 20 l.

Great Britain.

XXIV. And to prevent unnecessary delays in clearing such Masters not ships and vessels, be it enacted by the authority aforesaid, That producing acin case the master, commander, or owner of any ship or vessel, side waiters shall not produce such acquittance or certificate as aforesaid, to to be continuthe tide-surveyor when he shall come on board in order to clear ed on board at such ship or vessel, the tide-waiters on board such ship or vessels, their expence. sel shall be continued, until such acquittance or certificate is produced, at the expence of such owner, master, or command-

er, and not at the expence of the crown.

XXV. Provided, and be it further enacted by the authority Affirmation of aforesaid, That in all cases wherein by this act an oath is re-Quakers. quired or appointed to be taken, the folemn affirmation and declaration of the people called Quakers shall be accepted instead of fuch oath, in fuch manner and form, as by the laws and statutes of this kingdom is directed and appointed; and if any Penalty on such Quaker shall refuse to make such solemn affirmation and their resusing, declaration, in any case wherein any other person is hereby required to take an oath, every such Quaker so refusing, shall, for every such offence, be subject to the like forfeitures and penalties, as any other person refusing to take an oath is made liable to by this act; and in case any such Quaker shall, upon his so- and on false lemn affirmation or declaration, affirm or declare any matter affirming, and which shall be false; or if any other person, before any such swearing. collector, receiver, or other person, hereby authorized to administer oaths, shall wilfully make a false oath, every such Quaker, or other person, being thereof lawfully convicted, shall, for every fuch offence, fuffer and be liable to the like fines, pains, penalties, and punishments, as persons convicted of wilful and corrupt perjury are subject and liable to by the laws of that part of Great Britain called England.

XXVI. And it is hereby further enacted by the authority Charges of aforesaid, That the charges, costs, and expences, in and about this act. procuring and obtaining this act of parliament, shall be paid out of the first monies to be raised and contributed by virtue

hereof, at the port of London.

and seamen, employed in ships or vessels belonging to proons residing at some of the out-ports of this kingdom, may be desirous of having the six pence per month to be allowed and paid by them out of their wages, by virtue of and for the purposes of this act, to be under the direction and management of persons residing in or near to such out-ports respectively; therefore be it further enacted by the authority aforesaid, That from and after the twen y fourth day of June, one thousand seven hundred and forty seven, it shall and may be lawful to and for the owners of, and the masters and com-Owners and manders employed on board the ships and vessels belonging to masters of persons residing at any of the said out-ports, to assemble and ships of outmeet, at any proper time and place within the limits of the said out-ports, that shall be by any five or zeore of them appointed,

and appoint truftees for the duties;

who are to continue till 26 December. New truftees to be chosen yearly.

be fent to the prefident, &c.

Five truftees impowered to make by-laws; and appoint officers in the out ports.

by giving ten days previous notice to be fixed at the customhouse wharf, key, or any other publick place, at such respective out-port; and such owners, masters, and commanders, or the greater part of them, being so assembled as aforesaid, are hereby authorized and impowered, from time to time, to nominate and appoint, by an instrument in writing under their hands and seals, fifteen persons to be trustees for such out-port, for receiving, collecting, and applying the faid fix pence per month, to be allowed, collected, and received by virtue of this act, at fuch respective out-port, for relief and support of the seamen employed on board the ships or vessels belonging to such persons respectively, and their widows and children, as shall be intitled thereto by virtue of this act; which faid trustees shall continue to the twenty fixth day of December next after such election, and until new trustees are nominated, appointed, and confirmed: and that within ten days after every twenty fixth day of December yearly, the owners, masters, and commanders at such respective out-ports, shall have power to meet and choose fifteen persons to be trustees for the year ensuing, by an instrument in writing under the hands and feals of the owners, mafters, and commanders, or the majority of them so assembled, having given previous notice as aforesaid; which said respective trustees shall continue, from time to time, until new trustees are nominated, Instrument of appointed, and confirmed; which instrument shall be sent to the election to the said president and assistants, or committees, who are hereby authorized and required to confirm the same under the common feal of the faid corporation, without fee or reward, within ten days after the receipt thereof: which said trustees, when they shall be so confirmed as aforesaid, whereof five shall be a quorum, shall be vested with, and have the same powers and authorities to make by-laws, and to revoke or alter the same, and for taking, receiving, and applying any fum or fums of money which shall be contributed, devised, or bequeathed by any welldisposed persons; and for appointing receivers and other officers; and for collecting, recovering, receiving, paying, and applying the faid fix pence per month, to be allowed and paid by the feamen, or others ferving on board any ship or vessel belonging to fuch persons respectively at such out-ports, as are given and granted by this act, to the president and governors aforesaid, according to fuch rules, orders, and regulations as are or shall be established by virtue, and in pursuance of this act; and the faid receivers, and other officers, shall have the same powers and authorities as the other receivers and officers to be appointed in pursuance of this act, and shall be subject and liable to the fame penalties and forfeitures; any thing herein contained to the contrary thereof in any wife notwithstanding.

> XXVIII. And whereas by letters patent, bearing date the eighteenth dry of December, in the fixth year of the reign of the late King Edward the fixth, certain merchants therein name t, and their successors, residing at the city and port of Bristol, are incorporated by the name of The master, wardens, and commonalty of merchants-ven-

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turers of the city of Bristol; which said society of merchants are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants, and other traders belonging to the faid city and port, to undertake the collection and application of the said fix pence per month, to be paid at the city and port; and also to receive and apply any donations that well-disposed persons may give for the relief and support of such seamen, as shall be maimed and disabled, and for the widows and children of those who shall be killed, slain, or drowned in the service of the said merchants and traders; therefore be it further enacted by the authority aforefaid, That the maf- Merchantster, wardens, affistants, and treasurer of the said incorporated venturers of fociety for the time being, shall be trustees, and shall have, and Bristol, trube vested with the like powers and authorities for collecting, re- stees for the duties recovering, receiving, and applying the faid fix pence per month, ceived there, to be allowed, collected, and received by virtue of this act, at &c. the faid city and port; and for taking, receiving, and applying any fum or fums of money which shall be contributed, devised, and bequeathed by any well-disposed persons for relief and support of the seamen employed on board the ships or vessels belonging to the merchants or traders residing at the said city and port, and their widows and children, as shall be entitled thereto by virtue of this act; and to appoint receivers, and other officcrs for the purposes aforesaid, as are given and granted by virtue of this act, to the prefident and governors aforefaid, according to fuch rules, orders, and regulations, as are or shall be established by virtue of this act; and fuch receivers, and other officers, shall have the same powers and authorities as the other receivers and officers to be appointed by virtue of this act, and shall be subject and liable to the like penalties and forfeitures; and the faid master, wardens, assistants, and treasurer, shall also have power to take and receive any lands, tenements, and hereditaments, in fuch manner, and for the like purposes only, as the said president and governors are by this act impowered to take and receive lands, tenements, and hereditaments; any thing herein contained to the contrary thereof in any wife notwithstanding.

XXIX. And whereas the guild or brotherhood of masters and pilots, seamen of the Trinity house of the town and port of Kingston upon Hull, are willing, for the benefit of the seamen employed on board ships and vessels in the service of merchants and other traders belonging to the said town and port, to undertake the collection and application of the said six pence per month, to be paid at the said town and port; and also to receive and apply any donations that well-difposed persons may give for the relief and support of such seamen as shall be maimed and disabled, and of the widows and children of those who shall be killed, slain, or drowned in the service of the said merchants and traders; therefore be it further enacted by the autho- Trinity House rity aforesaid, That the guild or brotherhood of masters and of Hull, trupilots, seamen of the Trinity House of the town and port of stees for the Kingston upon Hull, for the time being, shall be trustees, and duties, &c. shall have and be vested with the like powers and authorities for received there, collecting, recovering, receiving, and applying the faid fix pence

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per month, to be paid at the said town and port; and for taking, receiving, and applying any fum or fums of money as shall be contributed, devised, or bequeathed by any well-disposed persons, for the relief and support of such seamen, and their widows and children, as shall be intitled thereto, by virtue of this act; and for appointing receivers, and other officers, for the purposes aforesaid, as are given and granted by virtue of this act, to the president and governors aforesaid, according to fuch rules, orders, and regulations, as are or shall be established by virtue of this act; and such receivers and other officers shall have the same powers and authorities as the other receivers and officers, to be appointed in pursuance of this act, and shall be subject and liable to the like penalties and forfeitures; any thing herein contained to the contrary thereof in any wife notwithstanding.

Collectors of out ponts, to deliver dupliout-ports.

XXX. And be it further enacted by the authority aforesaid, That nothing herein contained shall extend, or be construed to extend, to oblige the receivers or collectors of the said duty, to trustees of the be appointed by the trustees of any of the faid respective outports, to fend the duplicates of the books or muster-rolls hereby directed to be delivered to such receivers or collectors, by the master, or other person having the care of any ship or vessel, to the faid president and assistants, or committees; but such duplicates shall be delivered by such collector or receiver, after making and filing copies thereof, to the faid trustees respectively, to be by them filed and kept for their use and inspection.

Seamen not paying the duty, not to be benefited.

XXXI. Provided always, and it is hereby declared, That no seaman or other person employed on board any merchant ship, or other private ship or vessel, shall be intitled to have or receive any provision or benefit by virtue of this act, at the port of London, or any out-port, but those who are subject and liable to, and shall pay the said duty of six pence per month as aforefaid, at the faid port of London, or out-ports respectively.

Those who have ferved, &c. longest, to be first provided for.

XXXII. Provided also, and be it declared, That those seamen who shall have been long-st in the said service, and contributed most towards the said duty, shall be first provided for as worn out or decrepit.

XXXIII. And whereas it may happen that seamen or other perfons employed on board ships or vessels, may, by accident in loading or unloading the same, or otherwise in doing their duty on shore, as well as on board such ships or vessels, receive such hurt or damage, that it may endanger their lives, to fend them to the port to which the ships or vessels do respectively belong; therefore be it further enacted by the authority aforesaid, That in case any seaman, or other perfon employed on board any ship or vestel, shall, in doing his duty on shore, or on board any such ship or vessel, break an arm or leg, or be otherwise hurt or maimed, so that immediate care is necessary to be taken of him, it thall and may be lawful for the faid prefident and governors at the port of London, and the respective trustees for the out-ports, and they are hereby required to provide proper relief for fuch feaman or other person

Maimed sea-

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that shall be so hurt or maimed, until he shall be so well reco-till they can vered of fuch hurt or damage, as to be removed and fent with be removed to fafety to the respective port to which such ship or vessel does be- the vessel belong; and the expence of removing and fending such seaman longs; or other person to such respective port, not exceeding two pence 2 d per mile per mile, shall be paid by the said president and governors at allowed them. the port of London, or by the trustees for the respective out-port to which fuch feaman or other person shall be so removed and fent; any thing herein contained to the contrary thereof in any

wife notwithstanding. XXXIV. And be it further enacted by the authority afore- Difabled seasaid, That in case any seaman, or other person, shall serve five men having years or more, on board merchant or other private ships or paid 5 years, vessels, belonging to different ports, and shall have paid the six pence per month for that time, and shall become decrepit and worn out, and adjudged, either by the faid president and assistants, or the respective trustees, a proper object of relief, such person shall be provided for and relieved at the respective port to be provided where he shall have contributed and paid the greatest part of the for where they said duty of fix pence per month for the last five years of his have contritervice; any thing herein contained to the contrary thereof in buted most.

any wife notwithstanding. XXXV. And whereas it may happen that feamen employed in the Seamen thipmerchants service, within the limits of this act, may be shipwrecked, wrecked, or or taken by the enemies of his Majesty, his heirs and successors, and prisoners, to an their return from imprisonment, may be travelling with passes to be relieved. the place of their respective abodes; be it enacted by the authority aforesaid, That it shall and may be lawful for the said president and governors, or the respective trustees, if they think fit, to relieve any fuch feaman in fuch manner as they shall think proper, any thing in this act contained to the contrary thereof in

any wife notwithstanding. XXXVI. And whereas there may be some circumstances wherein Where certithe certificates berein before-mentioned cannot be obtained; be it there- ficates cannot fore further enacted by the authority aforesaid, That in all cases be had, others to be allowed. where the certificates directed to be produced by this act cannot be obtained, such other certificates as shall be satisfactory to the faid president and governors, or trustees respectively, shall be received and allowed of, to intitle the party producing the same to the pensions or other relief provided by this act; any thing herein contained to the contrary thereof in any wife notwithitanding.

XXXVII. And whereas the united company of merchants of England trading to the East Indies, have, at their own expence, confantly provided for such seamen employed by them as have been rendered incapable of present or future service, by sickness, wounds, or other accidental misfortunes, and for the widows and children of such feamen as have been killed, slain, or drowned in their service, and have established a sufficient fund for that purpose, and are willing to continue such provision, and are therefore desirous that the officers and Seamen employed in their service, and the servants and apprentices of fuch

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India company's fervice exempted;

such officers, may be exempted from the payment of the six pence per Seamen in the month; be it therefore enacted by the authority aforesaid, That no master or commander, officer, mariner, or seaman, or servant or apprentice of any master or commander, or officer of any ship or vessel, of or belonging unto or employed, or which shall be employed by or in the service of the said united company of merchants of England trading to the East Indies, during the time they thall be so respectively employed in the said company's service, shall in any wife be liable or subject to the said duty or payment of fix pence per month; but that every such master or commander, officer, mariner, or seaman, and every fervant and apprentice of such master or commander, or officer of any ship or vessel of or belonging unto, or employed by or in the faid company's fervice as aforesaid, shall, during the time of fuch fervice, be totally exempt from the payment thereof; any thing in this act contained to the contrary notwithstanding.

and excluded.

XXXVIII. Provided always, That no master or commander, officer, mariner, or seaman, or any servant or apprentice of any mafter or commander, or officer employed in the fervice of the faid united company, shall have or be intitled to any benefit by this act, for or in respect of any incapacity by sickness, wounds, or other accidental misfortune happening unto them, during the time of their being employed in the faid company's service; nor shall the widows or children of such seamen as shall be killed, flain, or drowned in the fervice of the faid united company, be intitled to any benefit or relief by or from this act, by reason or means of any fuch seaman's being killed, slain, or drowned during the time they shall be employed in the said company's tervice as aforefaid.

Forfeitures . how to be recovered, and applied.

XXXIX. And be it further enacted by the authority aforefaid, That all and every the pecuniary forfeitures and penalties which shall be incurred by virtue of this act, or any clause therein contained, shall be sued for and recovered in any of his Majesty's courts of record, in that part of Great Britain called England, wherein no effoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and if a verdict shall pass for the plaintiff in any such action, bill, plaint, or informa-Double costs. tion, then such plaintiff shall have and be allowed double costs of fuit; and that one moiety of all and every the faid forfeitures and penalties, when recovered, shall go and be applied to the uses and purposes of this act, and the other moiety to the use of such person as shall sue for the same in manner aforesaid.

Publick act.

actions.

XL. And be it further enacted by the authority aforesaid, That this act shall be deemed and taken to be a publick act, and shall be judicially taken notice of as such by all judges, justices, and Limitation of others, without specially pleading the same; and if any action shall be brought, or suit commenced against any person or perfons, for any thing done in pursuance of this act, or in relation to the premisses, or any of them; every such action or suit shall be laid or brought within three months next after, in the county or place where the fact was done, and not elsewhere; and the defendant

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defendant or defendants, in such action, may plead the general General issue, issue, and give this act, and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if the same shall appear to have been so done, or if any such action or suit shall not be brought within the time before limited, or shall be brought in any other county or place than as aforesaid, then the jury shall find for the defendant or defendants; or if the plaintist or plaintists shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions, or if a verdict shall pass against the plaintist or plaintists, the said defendant or defendants shall have double costs, and shall have such remedy for Double costs. recovering the same, as any defendant or defendants hath or have for costs in other causes by law.

## CAP. XXXIX.

An act for granting a duty to bis Majesty, to be paid by distillers, upon licences taken out by them for retailing spirituous liquors.

WHEREAS by an all of parliament made and passed in the 16 Geo. 2. c. 8. sixteenth year of the reign of his present Majesty, intituled, An act for repealing certain duties on spirituous liquors, and on licences for retailing the same; and for laying other duties on spirituous liquors, and on licences to retail the said liquors; it was, amongst other things, enacted, That no person or persons should, from and after the twenty fifth day of March, one thousand seven bundred and forty three, presume to retail any brandy, rum, arrack, usquebaugh, geneva, aqua vitæ, or any other distilled spirituous liquors, or strong waters unmixed, or mixed with themselves, or any other ingredients, without first taking out a licence from his Majesty's commissioners of excise for so doing, in manner as was therein directed and appointed, and upon payment of the sum of twenty shillings yearly for such licence, under the penalties in the said att contained; and no licences were thereby allowed to be granted for retailing, except to such persons only who should keep taverns, victualling-houses, inns, coffeehouses, or ale-houses; and it was therein also enacted, That no per-Son Should be deemed, or taken to be a retailer of spirituous liquors, who did not retail in less quantities than one pint: and whereas by another act of parliament made and passed in the seventeenth year of bis Majesty's reign, intituled, An act for granting to his Majesty 17 Geo 2. the surplus or remainder of the monies arisen, or to arise, by the c. 17. duties on spirituous liquors, granted by an act of the last session of parliament; and for explaining and amending the faid act, in relation to the retailers of such liquors; and for establishing an agreement with the united company of merchants of England trading to the East Indies; it was, amongst other things, enacted, That from and after the twenty fourth day of June, one thousand feven bundred and forty four, every person who should retail any spirituous liquors, mixed or unmixed with any ingredients, in less quantity than two gallons (except such persons only as by the said act of the

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fixteenth year of his present Majesty, were authorized and impowered to take out licences for that purpose) Should be deemed a retailer of spirituous liquors within the meaning of the same, and as such, forfeit and lose the sum of ten pounds for every such offence: and whereas the restrictions and penalties in the said acts contained, have been found to be inconvenient, so far as relates to honest reputable distillers, and the alteration thereof, in that particular, will also tend to the benefit of his Majesty's revenue: we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates and duties on certain persons to be hereby authorized to retail spirituous liquors herein after mentioned; and do most humbly befeech your Majesty, that it may be enacted; and be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of .June, in the year of our Lord one thousand seven hundred and forty feven, it shall and may be lawful to and for the several distillers within the cities of London and Westminster, borough of Southwark, or weekly bills of mortality, to take out licences from his Majesty's commissioners of excise, for retailing brandy, rum, arrack, usquebaugh, geneva, Aqua vitæ, or any other spirituous liquors or strong waters; and the said commissioners of upon payment excise are hereby authorized, impowered, and required to grant such licences to every distiller and distillers, within the limits aforesaid, who shall apply for the same, upon payment of five pounds for every fuch licence, to be raifed, levied, collected, and paid to his Majesty, his heirs and successors; and the same to be renewed yearly, upon payment of the like sum of five pounds, and to the same uses, intents, and purposes, and such licences to be taken out in the same manner, and subject to the like penalties for retailing without licence, as are directed, appointed, and enacted by the above-mentioned act of the fixteenth

Distillers within the bills of mortality may take out licences,

of 5 l. yearly.

This duty repealed by 24 Geo. 2. C. 40.

Distillers in partnership to have but one licence.

Qualification for licences.

year of his present Majesty. II. Provided always, That no more than one licence shall be granted to any diffiller or distillers in partnership, whereby to authorize him, her, or them to retail any spirituous liquors, or strong waters, within the intent and meaning of this act; and that no fuch distiller or distillers shall be allowed to take out a licence by the authority of the same, unless he, she, or they, inhabiting within the city of London, are respectively rated, and do pay church and poors rates for the value of twenty pounds per annum, and inhabiting in any other parts within the weekly bills of mortality, for the value of ten pounds per annum, in the parish or place where he, she, or they shall exercise the trade of distilling; and if any licences shall be granted otherwise, or to any other persons than as aforesaid, the same are hereby declared void to all intents and purpofes.

Penalty on difti lers re-

III. And be it further enacted by the authority aforesaid, That no distiller or distillers shall, by virtue of any such licence, re-

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tail any spirituous liquors, or strong waters, in any other place tailing liquors, or places than in his, her, or their own public shop and shops but in their only, and in no more than one shop by virtue of any one licence, under pain of forfeiting for every such offence the sum of ten

pounds.

IV. And the better to prevent tippling, or any other difor- Penalty on ders being committed, under colour or pretence of the liberty permitting by this act granted, be it enacted by the authority aforesaid, tippling in their shope, That if any distiller or distillers, licenced and authorized by vir- &c. tue of this act, shall at any time, from and after the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty seven, by him, her, or themselves, or by any other person or persons employed by him, her, or them, sell or vend any spirituous liquors to be drank in his, her, or their shop or shops, houses, or other places thereunto belonging, or shall wilfully fuffer or permit any person or persons to drink or tipple any fuch liquors in any the places aforefaid, every distiller or distillers so offending shall, for every such offence, forfeit and pay the fum of ten pounds; all which penalties and forfeitures Penalties how shall be fued for, levied, recovered, and mitigated by fuch ways, to be recovermeans, and methods, as any fine, penalty, or forfeiture, is or ed and apmay be recovered or mitigated by any law or laws of excise; plied. the one moiety whereof shall be to his Majesty, his heirs and fucceffors, and the other moiety to him or them who shall dis-

cover, inform, and profecute for the fame.

V. And be it further enacted by the authority aforesaid, That Penalty on every person and persons who shall, from and after the twenty persons found fourth day of June, in the year of our Lord one thousand seven tippling in hundred and forty seven, be found drinking or tippling in the distillers shops, house, shop, or other place belonging to any distiller or distiller &c. house, shop, or other place belonging to any distiller or distillers, contrary to the true intent and meaning of this act, shall, for every fuch offence, severally forfeit and pay the sum of twenty shillings, to be recovered and levied by way of complaint, to be made within three weeks after such offence or offences shall be committed, before one or more of his Majesty's justices of the peace for and near the place and places where the same shall happen, who is and are hereby required to summon before him or them the party or parties so offending, and in default of appearance, to iffue warrants for apprehending such offender or offenders, and then proceed to examine such complaint upon oath (which oath he and they are hereby authorized to administer) and apon due proof of fuch offences, by the oath or oaths of one or more credible witness or witnesses, to convict the offender or offenders accordingly; and in case such forseitures shall not be forthwith, after such conviction or convictions, paid, that then the same shall be levied by distress and sale of such offender's goods and chattels, by warrant or warrants under the hand and feal, or hands and feals of fuch justice or justices, rendering the overplus, if any, to such offender or offenders; and such forfeitures when levied, shall go and be applied to and for the use of the poor of the parish where such offence or offences shall be committed;



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committed; and for want of sufficient distress, such offender or offenders shall be committed to the house of correction, for any time not exceeding two months, and not less than fourteen days, there to be kept to hard labour; and no person or perfons so to be convicted, shall be capable of receiving any part of the penalties or forfeitures incurred by the distiller or distillers who shall sell or vend any such liquors so to be drank or tippled; any thing herein contained to the contrary thereof in any wife notwithstanding.

## CAP. XL.

An act to revive, continue, and amend an act made in the ninth year of the reign of his late majesty King George the First, intituled, An act for clearing, depthening, repairing, extending, maintaining, and improving the haven and piers of Great Yarmouth; and for depthening and making more navigable the feveral rivers emptying themselves at the said town; and also for preserving ships, wintering in the said haven, from accidents by fire.

WHEREAS the ancient borough of Great Yarmouth in the

county of Norfolk, hath, by long experience, been found to be of great importance, for advancing his Majesty's service and revenue, and trade in general, and more especially the fishery, and for educating and employing many thousands of skillful mariners and seamen: and whereas the inhabitants of the said b rough, being unable to support the great and unavoidable charge of clearing, repairing, and maintaining the haven and piers belonging to the said borough, have, from time to time, been aided and relieved by several successive acts of parliament: and whereas an act was made in the ninth year of the 9 Geo. 1. C.10. reign of his late majesty King George the First (of glorious memory) whereby several duties were granted for clearing, depthening, repairing, extending, maintaining, and improving the said haven and piers; and for depthening the channel of that part of the river Yare called Braydon; and for making more navigable the faid river Yare, and the rivers Waveney and Bure, which empty themselves into the haven of the said town of Yarmouth; and for repairing the bridge and publick keys belonging to the faid town; and also for preserving ships wintering in the faid haven; which all being expired, the faid haven and piers have of late been, and still continue to be in f bad a condition, that the great sums of money already expended in and about the same, will prove useless, and the said haven and piers inevitably fall soon into irreparable decay, unless timely and effectual provision be made by parliament to prevent the destruction ther f: to the end therefore that the faid haven and piers may be preserved and kept in repair; and that the channel of that part of the river Yare called Braydon, leading from Gre it Yarmouth, to the city of Norwich; and to mu h of the faid river Yare, as hes between the new mills in A 1 with and Hardly Cr, in Hardly, in the county



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of Norfolk; and also the rivers Waveney and Bure, commonly called the North River, may be depthened and made more navigable for boats and keels usually passing upon the same; be it enacted, &c.

The duties granted by the recited act made payable for 2 years. The powers and clauses, &c. of the recited act revived. Twelve commissioners to be elected. Collectors to account to them. Commissioners to inspect the accounts of the monies due at the expiration of the recited act.

## CAP. XLI.

An act for vesting in his Majesty the estates of certain traitors, and for more effectually discovering the same, and applying the produce thereof to the use of his Majesty, and for afcertaining and satisfying the lawful debts and claims thereupon.

WHEREAS a most desperate and bloody war and rebellion hath been levied and raised against his Majesty, in favour of the pretender to his crown, headed by the eldest son of the said pretender, and affifted by a body of troops, furnished by the enemies of his Majesty and his kingdoms, in which a number of his Majesty's subjects, contrary to their duty and allegiance, have been wickedly and traiteroufly engaged; and it being highly reasonable, that the estates, real and personal, of the rebels and traitors, who have been or shall be duly attainted as guilty of, or engaged in the said rebellion, should be discovered and applied to the use of his Majesty, in the most speedy and effectual manner; and that due provision be made for the satisfaction of all just and lawful claims, which any of his Majesty's dutiful and loyal subjects may have to, upon, or out of the estates of such rebels and traitors; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all and every the The estates lands and heretages, debts, or fums of money, and goods or real and perchattels whatfoever, and generally the estates, goods, and effects, sonal of cerheretable and moveable, real and personal, descendible to heirs tain traitors or executors, jurisdictions, life-rent rights, or of what nature wested in his or kind soever they be, in that part of Great Britain called Scotland, or elsewhere, whereof any person or persons, who, since the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty five, hath or have been attainted, or, before the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty eight, shall be attainted by any laws or statutes of this realm of high treason, for levying war within this realm, or for conspiring the death of his Majesty, or for any other high treason whatsoever, committed before the faid twenty fourth day of June, one thousand feven hundred and forty eight, within Great Britain, or elfewhere, was, were, or shall have been seised or possessed of, or interested in, or intitled unto on the twenty fourth day of June, one shouland leven hundred and forty five, or at any time after-

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wards, in his, her, or their own right, or to his, her, or their own use, or whereof any other person or persons was, were, or mail have been feifed or possessed of, or interested in, or intitled unto, to the use of, or in trust for them, or any of them, shall, according to the feveral and respective estates and interests, which the faid person or persons, attainted or to be attainted, within such days and times as aforesaid, or any in trust for them, or any of them, had or shall have had therein as aforesaid, or did or might forfeit by such attainder, stand and be forfeited to his Majesty, his heirs and successors, and shall be deemed, vested, and adjudged, and are hereby declared and enacted to be in the actual and real possession of his Majesty, without any office or inquisition thereof hereafter to be taken or found, and

without any declarator of forfeiture to be obtained.

II. And to the end that all the estates of the said traitors, of what nature soever, within that part of Great Britain called Scotland, hereby, or otherwise vested, or hereby intended to be verted in his Majesty, and the yearly and other values thereof, and all incumbrances thereupon, may be the better discovered, known, described, and ascertained, and that the rents, issues, and profits thereof may be recovered and brought in for the use of his Majesty, and that due examination be taken, and satisfaction made of all just and lawful claims to, upon, or out of the faid estates, or any of them; be it further enacted by the Barons of the authority aforesaid, That the lord chief baron, and other barons of the court of exchequer in Scotland for the time being, or any three or more of them, are hereby authorized, impowered, and required to inquire into all fuch effates, both real and personal, within that part of Great Britain called Scotland, as are hereby, or otherwise vested, or hereby intended to be vested in his Majefly; and to cause all and every the rents, issues, and profits of the faid real estates, until sale thereof, to be effectually levied and paid unto the receiver-general of his Majesty's land rents, and casualties in Scotland, for the time being, who is hereby required to pay the same forthwith into the receipt of his Majefty's exchequer at Westminster, for his Majesty's use; and to account for the same in like manner, as other publick monies received and paid by him into the faid receipt, are accounted for by him; and to levy, raife, secure, and cause to be fold, all fuch goods, debts, and personal chattels and estates, within Scotland, as are hereby, or otherwise vested in his Majesty, and to sell the faid real estates, after the claims relating to such estates respectively shall be determined, or otherwise dispose of the same in the manner herein after provided; and out of the rents and produce of the faid estates, real or personal, to cause payment or satisfaction to be made of such sums of money, as shall be due to any claimants upon the fame; and in the execution of the premiffes, the faid barons shall and may proceed in virtue of the power hereby granted to them, in a fummary way, without the formalities usually practifed or observed in their proceedings, as a court of justice.

exchequer in Scotland, to inquire into the forfeited estates;

and to cause the remes to be paid to be Majorty's receiver general, &c.

and the perfonal citates, &c. to be seized and fold, after claims determined, &cc.

Barons to proceed in a fummary way.

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III. And for the better enabling the said barons of the said court of exchequer, to put in execution all the several and respective powers and authorities by this act committed to their charge and trust; be it further enacted, That on or before the Lists of pertwenty fixth day of July, in the year of our Lord one thousand sons adjudged seven hundred and forty seven, all and every officer and officers of high treawho has or have, or shall, before the said day, have the custody fon, to be of any record or records of the attainder of any fuch traitor or the King's retraitors (other than of such who have been, or shall be attaint- membrancer ed by act of parliament) shall transmit, or cause to be transmit- at Edinburgh; ted to the King's remembrancer, in the court of exchequer at Edinburgh, or his deputy, estreats or certificates under their respective hands, or the hands of their lawful deputies, containing lists of all the persons, who since the twenty fourth day of June, in the year one thousand seven hundred and forty five, shall appear by the said records in their respective custody, to have been adjudged to be guilty of high treason; which lists shall contain the names, titles, and additions of fuch persons, the species of treason, of which, and the respective times, places, and courts, when and where they were so attainted; and after the said twenty sixth day of July, the like officers shall, from Lists of other time to time, cause to be transmitted to the office of the King's attainders to remembrancer at Edinburgh, the like estreats or certificates, or ted. lists of all other attainders for high treason, had at any time before the twenty fourth day of June, one thousand seven hundred and forty eight, and that within the space of thirty days after fuch attainders; all which estreats, certificates, or lists, the King's remembrancer in the court of exchequer at Edinburgh, or to be entered his deputy, shall enter in a book to be provided and kept by him in a book. for that purpole.

IV. And it is hereby enacted, That an extract from that Extract from book, figned by the faid remembrancer, or his deputy, certify- the book of ing that any person therein mentioned was attainted of high admitted as treason, shall be taken and held as sufficient evidence of such evidence. attainder in all courts of justice within Scotland, so far as may concern the execution of this act, as fully as if the record of

fuch attainder were produced in fuch courts.

V. And be it enacted by the authority aforesaid, That the The barons to faid barons of exchequer, or any three of them, shall, and they appoint offiare hereby authorized, from time to time, by and with the ap-execution of probation of the commissioners of his Majesty's treasury, or the this act. high treasurer for the time being, to appoint and employ proper persons to be surveyors, messengers, or other necessary officers for the execution of this act; which surveyors, messengers, and officers respectively, are hereby required faithfully to execute and Officers fees perform the trust in them respectively reposed, without taking allowed by the any thing for such their service (other than such fees, salaries, barons. or rewards, as the said barons, or any three of them, by and with such approbation as aforesaid, shall think fit and direct in that behalf) and every fuch furveyor, messenger, and officer, Officers to before he enters on the execution of his employment, shall take take oaths. the oaths prescribed by the act of the first year of his late Ma-

jesty's



jesty's reign, for the further security of his Majesty's person and government, and other purposes therein mentioned; and also an oath for his true and faithful demeanor in all things relating to the trust reposed in him by the said barons, or any three of them; and that he will not, directly or indirectly, receive or take any fee or reward, or expect or accept the promise of any fee or reward, for any thing whatfoever to be done by him in the execution of the said trust (except what shall be settled or allowed by the faid barons or any three of them) and that he will not, directly or indirectly, have any part, share, or interest, or make any benefit by any discovery of any forfeited or forfeit-. able estate or interest whatsoever, intended to be applied to the use of his Majesty, in pursuance of this act, or conceal, or cause or procure to be concealed, the same, or any part thereof.

Salaries and to be paid by the receivergeneral.

VI. And be it further enacted by the authority aforesaid, other charges That there shall and may be paid to such person or persons as the said barons, or any three of them, by and with such approbation as aforesaid, shall nominate, by way of imprest, and upon account, for payment of salaries of inferior officers to be employed under them, and for incident charges in or for the performance of the several trusts by this act committed to the faid barons, fuch sums of money, as the said commissioners of his Majesty's treasury, or the high treasurer for the time being, judge to be necessary and reasonable in that behalf, out of such monies as shall, from time to time, be or remain in the hands of the said receiver-general, by virtue of any of the clauses, matters, or things in this act contained; and that the faid salaferior officers ries of inferior officers shall not be liable to any taxes or affestments by any act of parliament made or to be made; any law or statute to the contrary notwithstanding.

Salaries of in exempted from taxes.

The barons act without

and fend for persons and papers;

and adminifter oaths.

VII. And be it enacted by the authority aforesaid, That may meet and the said barons, or any three or more of them, shall and may meet, act, and proceed, from time to time, with or without adjournment; adjournment, within term time, or without; and shall and may fend their precept or precepts for any person or persons whatsoever to appear before them, and for all fuch books, papers, writings, and records, as they shall think necessary for their information, in any matters or things relating to this act, without any fee, charge, or reward to be paid for the same; and shall and may detain in their custody such books, papers, writings, and records so long as they shall have occasion for the same, and then return such books, papers, writings and records to fuch persons to whom they respectively belong; and shall and may administer oaths for the better discovery of the truth of the enquiries by them to be made, to any person or persons therein concerned, or to any other person or persons whatsoever; and all sheriffs, stewards, baillies, constables, and other officers and ministers whatsoever, are hereby required to obey and execute such orders and precepts as shall be sent to them, or any of them, by the faid barons, or any three of them. as they will answer the contrary at their utmost perils; and the faid barons, or any three of them, are hereby impowered and required



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required in a fummary way, and without the formalities of proceedings in the courts of law or equity, to enquire and inform themselves by and upon the testimony of witnesses, upon oath, examination of persons interested, upon their oaths, inspect on and examination of deeds, writings, and records, or by all or any of the faid ways and means, or otherwise, according to their discretions, as soon as conveniently may be; and to make a register in books to be provided for that purpose, of the names of all such persons attainted, or to be attainted of high treason, within the times aforesaid, and of all real and personal estates and interests whatsoever by this act, or otherwise vested in his Majesty, for or by reason of such attainder, and by whom any fuch estate or estates was or were respectively forfeited or forfeitable, and what estate or interest every such person attainted, or to be attainted for high treason as asoresaid, had in any of the premisses on the respective days and times, on or from which they are hereby, or otherwise vested in his Majesty, or at any time afterwards; and by what tenures the same, or any of the n respectively, were then holden; and of all incumbrances whatfoever, to which any of the faid estates forfeited or forfeitable for high treason, were liable or subject before, and upon the same days and times respectively: and in case any person or persons, Persons refus fummoned to appear before the faid barons for discovery of the ing to app ar premisses, shall neglect or refuse to appear, or be examined as to be commitaforesaid; then, and in every such case, it shall and may be lawful to and for the said barons, or any three of them, to commit the person and persons so neglecting or refusing as aforesaid, to the common gaol of the county, shire, or stewartry respectively; there to remain without bail or mainprize, until fuch person or persons shall conform themselves, and submit to be examined as aforesaid: and if any officer or officers shall neglect Penalty on ofor refuse to give obedience to the precepts and orders of the said ficers on d barons, or any three of them, for the due execution of this act, tault of duty. then, and in every such case, it shall and may be lawful to and for the said barons, or any three or more of them, to impose any fine upon such officer or officers, not exceeding fifty pounds sterling, for any one offence; and to commit such officer or officers, till fuch fine shall be paid unto the said receiver general for the use of his Majesty.

VIII. And for encouraging all and every perfon and perfons whatfoever any ways indebted, or liable to pay to any fuch forfeiting person or persons, any sum of money hereby or otherwise vested in h's Majesty as aforesaid, to make a speedy discovery thereof to the said barons, or any three or more of them, and to pay a proportion thereof as this act directs; be it enacted by the authority aforefaid, That every such person who persons d co shall make a full and true discovery to the said barons, or any vering d bt . three or more of them, of any concealed debt, or furn of mo- &c payable o ney so due and payable unto any person or p rsons attainted, or person atto be attainted of high treason within the days and times afore- tainted,

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and paying two thirds times limited,

Person indebted, not makto forfeit double value.

fed of goods, &c. making discovery,

to be allowed a fourth;

and on default, to forfeit double value.

Barons may make compofitions for fucb debts, or chattels o

and fettle &c.

faid (not being a debt by judgment, Ratute, recognizance, or on any registered bond or contract) and pay two third parts thereof within the respective times following (that is to say) of debts owing to persons attainted before the first day of May, in the year one thousand seven hundred and forty seven, on or before thereof by the the first day of December, in the year one thousand seven hundred and forty seven, and of debts owing to persons attainted afterwards, before the expiration of fix calendar months after fuch attainders respectively, unto the said receiver-general, for the use of his Majesty, shall be and are, by force and virtue of tobe discharg- this act, released and discharged of the entire debt, or sum of money to due and payable as aforefaid; but all and every person and persons so indebted, or liable as aforefaid, who shall neglect to make such discovery to the said barons, within the respective ing discovery, times aforesaid, shall forfeit double the value of such debt or sum of money; to be recovered by action, bill, fuit, or information, to the use of his Majesty as aforesaid; and all and every person Persons posses or persons who were, or have been, or shall have been possessed of any personal goods or chattels, of or belonging to any such persons attainted, or to be attainted of high treason as aforesaid, when the same became forfeited, or afterwards, or shall be thereof possessed before the first day of July, one thousand seven hundred and forty feven, are hereby strictly charged and required to discover and make known the same to the said barons, before the faid first day of December, one thousand seven hundred and forty feven; and the faid barons, or any three or more of them, thall and may thereupon allow to every person discovering the same, such proportion as they shall think reasonable for such discovery, not exceeding one full fourth part of the faid personal goods and chattels, or the proceeds thereof; but all and every person and persons, having such goods and chattels in his, her, or their custody and power, and neglecting to discover the same before the faid first day of December, shall, for such offence, forteit double the value of such personal goods or chattels, to be recovered for the use of his Majesty as aforesaid; and the said barons, or any three or more of them, are hereby authorized and impowered to make any fuch compositions or agreements, touching any such debts, or personal goods or chattels so as aforesaid to be discovered, as the said barons, or any three or more of them, shall, in any such case, on due consideration of the nature thereof, or circumstances of the parties concerned therein, think fit and reasonable; which compositions or agreements shall be valid in law, so as the monies payable upon every fuch composition or agreement be paid unto the said receiver-general for the use of his Majesty, within the respective times allowed by the faid barons, or any three or more of them, for payment thereof; and where any of the faid debts are secured bonds, debts, by bonds or obligations with penalties, or are due and owing upon-accounts not adjusted, the said barons, or any three or more of them, are hereby authorized to flate, fettle, and determine

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mine the same; and that every person, not being so indebted, Person not or not being possessed of such personal goods and chatt Is as a - indebted, &c. foresaid, who shall at any time after the said first day of July, covery, and before the first day of December, discover to the said barons, or any three or more of them, any fuch debts, or personal goods and chattels concealed until the time of such discovery, shall be intitled, by virtue of this act, to have and receive for his or their reward, so much as the said barons, or any three or more of them, shall judge to be reasonable, not exceeding one fourth allowed a part of fuch debts, or one fourth part of fuch personal goods fourth. or chattels, or of the value thereof fo discovered after recovery of the same, to be paid over and delivered to him, her, or them, by warrant of the faid barons, or any three or more of them, from time to time; and that every person who shall, after the Persons discofaid first day of July, and before the said first day of December, vering condiscover to the said barons, or any three or more of them, any &c. lands, tenements, rents, hereditaments, or chattels real, forfeited as aforefaid, and concealed until the time of fuch difcovery, shall be intitled, by virtue of this act, to have and receive for his or her reward, such proportion of the said lands, tenements, rents, hereditaments, and chattels real, as the faid barons, or any three or more of them, shall judge to be reasonable, not exceed- intitled to a ing one fourth part thereof, or of the value of the same, after tourth. recovery thereof; and the faid barons, or any three or more of Barons to give them, shall deliver certificates, under their hands and seals, to persons makall and every person and persons, who shall make any such dis-ing discovecovery or discoveries as aforesaid, specifying the lands, tene- ries; ments, rents, hereditaments, chattels, or real estates, by him or her so discovered, and the part, share, or proportion thereof, or of the value of the same, which he, she, or they ought to have in respect thereof; and the said barons are hereby impower- and to cause ed and required to cause to be paid, delivered, assured, or con-their thares to veyed, such parts, shares, and proportions, to the said discover- be paid, &c. ers, their heirs, executors, administrators, and assigns respectively, and that as foon as conveniently may be, after the time shall be elapsed for entering claims in manner herein after mentioned, on the estates real or personal so discovered, as to such estates real or personal, upon which no claim shall be entered, and as f on as conveniently may be after fuch claim or claims as shall be entered, relating to such citates real or personal respectively, shall be determined.

IX. Provided always, That the shares of the estates real or Dellions personal so discovered, that shall be allowed to the discov rers, for can out shall suffer a deduction or abatement proportional to the clams of the shares to, upon, or out of the same respectively, which shall be made allow i to disand . ffirmed.

X. And to the intent the personal goods and chattels he ein before, or therwise vested in his Maj sty, may be d f of d ot, . d the value there f applied to the use of h , M jet , b' it further enacted by the a thority afore aid, The the fad barons The cods to shall, a so n as conveniently n ay be, use her utn st endea vours zlement, 12

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and inventories and appraisements to be made.

The goods to be fold by auction.

Entry to be made of the goods, and the persons to whom fold.

certificates:

On payment the goods to be delivered.

Buyers not making payment, to forfeit one third,

to be let up again.

vours to secure all such goods and personal chattels, in such places, and in the cuftody of fuch persons as shall be thought most proper by the said barons, for preventing the perishing, or any loss or embezzlement thereof; and shall make or cause to be made, a true and perfect inventory or inventories thereof, containing a true and particular account of all fuch goods and chattels, by whom they were forfeited, and when, and by whom delivered to the said barons, or any persons by them appointed to receive the same; and shall also cause a just appraisement thereof to be made, upon the oaths of any two persons, to be appointed by the faid barons, or any three or more of them, for that purpose (which oath the said barons, or any three or more of them, have hereby power to administer) and the said barons, or any three or more of them, are hereby authorized and required to fell all and fingular fuch goods and chattels fo inventoried and appraised, according to their best skill and judgement; and for that purpose shall cause publick notice to be given by the space of ten days, at least, of the time, and where they intend to begin to expose to fale any part or parcel thereof, and of the several particulars then and there to be sold, at which time they shall sell the same by cant or auction, to such person or persons who shall bid most for the same; and immediately upon every such sale or contract, shall cause an entry to be made in their book, of all and every the personal goods and chattels fo fold or contracted for, and of the buyers names and places of abode, and the prices agreed upon; and for the further affur-Buyers to have ance thereof to the buyers, the faid barons, or any three or more of them, shall give a certificate under their hands and seals, unto the buyers respectively, expressing the particulars so by them bought, the prices, and time of fale; and every fuch buyer shall thereupon pay the said prices unto the said receiver-general, at such time or times, as shall be agreed upon with the said barons, for the use of his Majesty; and the said barons, or any three or more of them, being satisfied with the payment thereof, shall forthwith order the particulars so bought and paid for, to be delivered to the buyer or buyers, his, her, or their affigns; and in case any person or persons who shall have contracted for any fuch personal goods or chattels, as aforesaid, shall make any default in payment of the monies contracted for, he, the, or they shall forfeit one third of the sum which the said goods were and the goods contracted for; and the faid barons, or any three or more of them, may, and shall proceed to a new sale of all and every such

had before been made. XI. And be it enacted, That all and every person and per-Persons enter- sons, who since the twenty fifth day of Ju., one thousand in upon for- seven hundred and forty six, have entered into or upon any of feited estates, the said forseited estates, or any part thereof, and held and enafter 25 June, joyed the same, without any lawful title thereunto, shall be responsible for all and every the profits of the same premisses, dur-

personal goods and chattels, for which such default shall be made, unto any other person or persons, as if no sale thereof

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ing the time of his, her, or their occupation thereof, and shall answer and pay the value thereof unto the said receiver-general, not paying the at such days or times as shall be appointed by the said barons, or any three or more of them, or in default thereof shall forfeit to forfeit doudouble the value of the same profits by him, her, or them re-ble. ceived, for the use of his Majesty.

XII. Provided nevertheless, if any such person or persons on their disshall, on or before the first day of December, one thousand seven covery, hundred and forty seven, discover to the said barons, such lands, tenements, or hereditaments so by them enjoyed (the same being concealed till the time of such discovery) all and every such tobe dischargperson and persons are hereby declared to be discharged of and ed. from any account of the profits thereof received or had before the faid first day of December: and whereas it is likely, that fince the said twenty fifth day of June, the occupiers of several of the said forfeited or forfeitable estates and interests, and other the premisses, or others, may have presumed to commit great spoil, waste, and destruction upon the same estates, by cutting down great quantities of timber-trees, and other trees, woods, groves, and coppices, and otherwise; be it further enacted, Committing That every such occupier, and all and every other person and spoil, persons, who since the said twenty fifth day of June, have committed, or at any time before the sale or sales of such premisses, to be made in pursuance of this act, shall commit any such spoil, waste, or destruction, shall pay treble damages for the same, to to pay treble be afcertained by the faid barons, in a summary way; and for damages. the speedy levying thereof to his Majesty's use, the like execution thall iffue forth, as in case of a debt due to his Majesty.

XIII. And to the end that all and every the rents, issues, and profits of the faid estates may for the future, and until sale thereof as aforesaid, be effectually levied and paid into the said exchequer; be it further enacted by the authority aforesaid, Stewards to be That it shall and may be lawful to and for the said barons, or appointed. any three or more of them, by and with the approbation of the faid commissioners of the treasury, or of the high treasurer for the time being, to appoint stewards, receivers, bailiffs, or factors, on the faid forfeited estates, with full power to lett and set the faid estates for any term not exceeding three years, and to receive the rents and profits, and to grant discharges and acquittances thereof, and to hold courts, and pass decrees for payment of rents, and to put the faid decrees in execution, and to do all acts, matters, and things necessary for managing the said estates, usually done by stewards, receivers, bailiffs, or factors, on the faid refrective estates, according to the laws in Scotland, and Theministers, particularly to pay yearly out of the faid rents, the stipends or &c. money falaries of ministers and schoolmasters, and the cess or land tax, and land tax that shall by law be payable out of such estates; the pay or sala- Stewards saries of which stewards, receivers, bailiffs, or factors, shall not lary, exceed the tenth part of the yearly value of the rents and profits of the forfeited estates, for the management of which they shall be respectively appointed.

XIV. Pro-

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Steward to take the oaths;

and to give fecurity,

XIV. Provided always, That all and every steward, receiver, bailiff, or factor, to be so appointed, before beenter on the execution of his office, or be capable to perform any part thereof, shall be approved of as afonesaid, and shall take the oaths appointed to be taken by the faid act of the first year of his late Majesty, and shall give bond to the King's majesty for a sum not less than two years rent of such estate or estates as he shall be appointed steward, receiver, bailist, or factor over, with sufficient

fecurity for the payment thereof, in case he shall fail to pay to the faid receiver-general at such days and times as he shall be thereto required by the precept of the faid barons, or any three or more of them, all and every fum or fums by him received out of the estate or estates on which he shall be appointed steward, receiver, bailiff, or factor, and to account for all fuch fums as shall remain due and payable in the hands of the tenants or

pollesfors at the time of his accounting, by producing evidence that he hath used all due and lawful means and diligence for tecovering of all fuch fums to remaining due and payable; and

all and every steward, receiver, bailiff, or factor, shall be fully acquitted and discharged by the said exchequer, upon his paying and accounting as aforefaid.

Sequestrations estates, made otherwise,

XV. And be it further enacted, That all and every sequeof the forfeited firation, suspension, arrestment, and other act and decree made and passed in any court of judicature since the first day of August, one thousand seven hundred and forty five, or which shall hereafter be made or passed, otherwise than according to the directions of this present act, whereby any right, title, charge, or interest in, to, out of, or upon any of the said forfeited estates, hath been, or shall be decided and determined in favour of any creditor, or persons claiming interest therein, or whereby any person or persons have been, or shall be intitled to possess any part of the faid effates, real or personal, or to levy, receive, or discharge any part of the rents and profits of the same by any fuch decrees or fentences, or without any lawful title, are hereby declared to be void, null, and of no effect, as if the same had never been made or palled.

to be null.

XVI. And whereas several persons in possession of the messuages, lands, tenements, and hereditaments which shall have been found by the said barons to be forfeited and wested in his Majesty by virtue of this act, or who have received the rents and profits of the same fince the twenty fifth day of June, one thanfand seven rundred and forty fix, or are otherwise indebted to his Majesty by virtue of this all, may refuse or neglett to pay the same unto the said receiver-general, according to the direction of this act; be it therefore enacted by the authority aforesaid, That the said barons, or any three or more of them, shall and they are hereby impowered and required to call to account all and every person or persons, their heirs, executors, administrators, and successors, who by virtue of any sequestration, or other decree, made and passed by any court of judicature, fince the first day of August, one thousand seven hundred and forty five, or by virtue of any other right or

Persons who have taken poffestion by sequestration, &c. fince 1 Aug. 1745, to account.



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title, hath taken or retained, or shall take or retain possession of any part of the faid forfeited estates, real or personal, or have levied or discharged, or who shall levy, receive, or discharge any part of the said rents, issues, or profits of the said estates (not herein before excepted) which have become due fince the twenty fixth day of June, one thousand seven hundred and forty fix, for his or their possession or intromissions with the same, or who have incurred or shall incur any penalty or penalties, or are otherwise indebted to his Majesty by virtue of this act, and upon his, her, or their appearance, or neglect, or refusal thereof, after being thereto duly required by precept as aforefaid, the faid barons, or any three, or more of them, shall, and they are hereby impowered and required in a fummary way, without the Barons to formalities of proceedings in the courts of law or equity, to en- proceed in a quire and inform themselves, by and upon the testimony of witnesses upon oath, examination of persons interested, upon their oaths, inspection and examination of deeds, writings, accounts, and records, or by all or any of the faid ways and means, or otherwise, according to their directions, as soon as conveniently may be, to state and fettle the sums due and payable by every fuch person or persons, for or on account of their said intromisfions, debts, penalties, or forfeitures aforesaid, and to direct their and to direct precepts, ordering them, their heirs, executors, administrators, their precepts and successors, to make payment of the money appearing to be the sums due, due thereupon unto the faid receiver-general, and to deliver up to the faid barons, or any three or more of them, or their order, all fuch forfeited goods and chattels as have been, or thall be intromitted with and possessed by them, at such days and times, as by the faid barons, or any three or more of them, shall be and for delilimited and appointed by their faid precepts; and in case of vering up the neglect or refufal to comply with the faid precepts, the faid ba- goods, we. rons, or any three or more of them, are hereby authorized and impowered to order fuch proceedings to be had thereupon, as if the contents of fach precepts had been duly found by inquifition, taken and returned into the faid court of exchequer.

XVII. And, to the end that all and every the faid estates and interests hereby, or otherwise vested in his Majesty, whereof the faid barons of exchequer shall upon enquiry make discovery, and feize or recover the possession, may be duly published, so as all persons having interest may have notice thereof, in such manner as they may enter their claims upon the fame, in the manner herein after provided; be it enacted by the authority aforefaid, Register of the That the faid barons of exchequer shall cause the register, or to the ted ebooks herein appointed to be kept, of the names of all persons kept. attainted of high treason within the times aforesaid, and of all real and personal estates and interests by this act, or otherwise, vested in his Majesty, or an authentick copy or duplicate of mich books, to be kept by a proper officer, who thall make the fame open and patent to the infpection of all persons who shall demand the same, betwixt the hours of ten and twelve in the forenoon, upon any lawful day, without any fee or reward; and in

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the faid books shall be expressed the dates when the entries of the several estates real or personal that shall be there ingrossed, were made; and the faid barons, or any three or more of them, that! Coy of the Liter to be also transmit to the said commissioners of his Majesty's treasury, tra ilmitted to or the high treasurer of Great Britain for the time being, an t le treasury. authentick copy of the faid register or books.

Duplicate of the entries to n er fr.

notice.

XVIII. And it is hereby further enacted, That when any real or heretable estate shall be entered in the said register, the 1 fent to the said barons shall, from time to time, within the space of one month after fuch entry, transmit, or cause to be transmitted, an authentick copy or duplicate of every fuch entry to the sheriff of the shire, or steward of the stewartry, within which the lands or Sheriff to give other heretable or real estate are situated; and every such sheriff or steward shall, and is hereby required, within twelve days after he shall receive such duplicate or copy, to cause the same to be published at the market cross of the head burgh of the shire or stewartry and to cause to be inserted in a book to be provided and kept for that purpose by the clerk to such sheriffs or stewarts courts; all which books shall be made open and patent to any persons demanding inspection of the same, upon any lawful day between the hours of ten and twelve in the forenoon, without fee or reward.

Estates to vest m his Maje-'t', where no chims are entered;

and where payment of

the debts.

fold, where hi Maestv f Il not aifcharge the ims within 1 · montus.

XIX. And be it further enacted, That all and every the estates and interests which shall be entered in the register, to be kept by the faid barons of the exchequer, according to the directions of this act, to or upon which no claim shall be entered within the time, and in the manner herein after prescribed, shall be deemed and taken against all persons, and to all intents and purposes, to be vested in his Majesty in virtue of this act; and such estates and interests as shall be so entered in the said register, and to or upon which claims shall be entered, shall in like manner be deemed and taken to be vested in his Majesty; subject only to such c aimed, upon burden, diminution, or eviction, as shall arise from the determination of the claims that shall be so entered, and no otherwife.

XX. And, to the end that all and every the faid estates and interests, herein before vested in his Majesty, may be disposed of in the most beneficial manner, and the produce and value thereof applied for the payment and satisfaction of such claims, out of the respective estates, as shall be decreed to be just and lawful, and the remainder for the use of his Majesty, his heirs and successors; be it further enacted, That in case his Majesty, his Estates to be heirs or su cessors, shall not make effectual provision for the payment or satisfaction of all such debts and claims, within the space of twelve months after the same shall be respectively adjudged, then it shall be lawful for the said barons, any three of them, and they are hereby required to fell, or cause to be fold, so much of the estates of the attainted persons, as they shall judge necessary to be sold for satisfaction of the debts and claims affecting the same, and apply the money arising by



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the sale thereof respectively, in discharge of the several debts or claims to which they shall be adjudged to be liable.

XXI. Provided nevertheless, That if his Majesty, his heirs Estates not to or successors shall, after the expiration of the said time, make be sold, where effectual provision for the payment or satisfaction of all the debts his Majesty or claims upon any such estate, and shall, before the same is shall so order, fold, by warrant or warrants under his or their fign manual, at ment of the any time or times, direct any such estates not to be fold; then claims. the faid barons shall not proceed in the fale of any estates so prohibited to be fold; and in respect to the sale of the said estates, or any part thereof, the faid barons of the exchequer are hereby authorized and required to proceed in such manner and form, and according to such rules, as the barons of the court of exchequer in Scotland were directed to observe, by an act made in the thirteenth year of the reign of his late Majesty, intituled, An 13Geo.1. c.28. act for sale of such of the forfeited estates in that part of Great Britain called Scotland, as remain unsold, and are vested in the crown, and for determining such claims on the said estates, as hav-

ing been duly entered, remain undetermined.

XXII. And, that no person or persons whatsoever, having Claims on perany estate, right, title, or interest in law or equity, in, to, or sonal estates, out of any of the forfeited or forfeitable estates and premisses, &c. ro be may be in any respect prejudiced by this act, be it enacted by made within the authority aforesaid. That all and every person and persons the authority aforesaid, That all and every person and persons whatfoever, bodies politick and corporate (other than and except all fuch forfeiting persons as aforesaid, and the heirs, executors, administrators and assigns, and every of them, and all and every person and persons having or claiming any thing in the premisses, or any part thereof, to the use of, or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators) having any estate, right, title, interest, use, trust, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance whatfoever in law or equity, in, to, or out of, or upon any castles, honours, manors, messuages, lands, tenements, rents, or hereditaments what soever, or to any real or personal estate, or any other the premisses whatsoever, herein before or otherwise vested in his Majesty, by or under any settlement, conveyance, judgement, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting, or which was binding on the forfeiting persons, and might have affected the same estate, before the respective days and times whereon the same was vested in his Majesty as aforesaid, and also all and every per.on and perfons, bodies politick and corporate, pretending to have right or title to any estate, which shall have en feized or surveyed by the said barons, for the use of his Mielv. and who shall pretend that none of the persons attainted, . . e the twenty fourth day of June, one thousand seven hundred d forty five, and before the twenty fourth day of June, one the 1fand seven hundred and forty eight, for high treason, was seried or possessed of, or interested in, or intitled unto such estate in h.s. her, or their own right, or to his, her, or their own use, nor

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and claims on real estates, within 6 months;

Claims of pertated, by whom to be made;

where to be

any other person in trust for them, or any of them, on the said twenty fourth day of June, one thousand seven hundred and forty five, or at any time fince, or that they have right or title to fuch estate, shall, within the space of three months, to be reckoned from and after the date of the entry that shall be made in the register book in the exchequer of any personal estate, and in case of real estates, within six months of the entry of the register, to be kept in the county or stewartry where such estate lies, in manner herein before directed, of the estate or interest in, to, or out of which fuch claims and demands are to be made respectively, enter all their respective claims and demands before the court of session in Scotland, in such manner as is herein after mentioned; or in default thereof every such estate, right, title, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, charge, or incumbrance, in, to, out of, or upon the said premisses, or any part thereof, shall be and is hereby declared to be null and void to all intents and purposes whatsoever; and the estate or estates so as aforesaid, liable unto or charged therewith, shall from thence be freed, acquitted, and discharged of and from the same; and all such claims and defons incapaci- mands of infants, shall and may be made by their fathers or guardians, or any other persons in their behalf; and all claims of femes covert by their husbands, or any other persons on their behalf; and all claims of madmen, ideots, or lunaticks, by fuch person or persons under whose care or custody they are or shall be at the time of entering such claims; and that all such claims tendered, &c. shall be made and tendered to the court of session, in time of session, or to the lord ordinary on the wills in time of vacance, written in parchment, and figned by the party or parties making the same, or such other person or persons on his, her, or their behalf as aforesaid, or signed by the attornies or factors of the party or parties having the interest claimed; and such signing shall be testified by two or more credible witnesses, who shall subscribe their names to attest the same; and every claimant shall therein particularly express what estate, right, tit'e, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance, he or she demand or claim in, to, out of, or upon any part of the premisses, by and under what grant, gift, settlement, conveyance, security, title, or incumbrance, he or the do claim the fame; and if fuch party claimant hath, demands, or claims any estate, right, title, or interest, in or to any part of the premisses, by virtue of any incumbrance, for any debt or fum of money whatfoever, fuch party shall also in his claim set forth such incumbrance, and the dates and the contents thereof, and the witnesses thereto; and if the same be recorded, when and where the same was entered on record, and whether such debt and sum of money was and is really due, and remains wholly unpaid and unfatisfied, and what part and how much thereof has been really and truly fatisfied, by money paid, perception of profits, or by any other ways or means whatfoever; and every fuch claim shall be transcribed by

C nim to be r g tered.



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order of the faid court, and entered in books to be provided and fairly kept by them for that purpose; and the said court of sel- Court to profion is hereby impowered and required to proceed in a summary ceed in a sumway, without abiding the course of any roll, as well out of as mary way in in term time, to hear and determine all fuch claims; and every the claims. fuch decree of the court of fession shall be final, and binding upon all parties concerned, in case thirty days, on any of which fuch proceedings as are usual and competent by the laws of Scotland, for reverfing or amending such decrees, shall elapse without fuch proceedings being had, made, or commenced by either party.

XXIII. And, to the end that due care may be taken of the The King's interest of his Majesty in respect of such claims as shall be of rights to be fered as aforesaid, it is hereby further enacted, That the King's defended by advocate, or in his absence his Majesty's solicitor general in or the solicitor Scotland, shall, and they are hereby impowered and required to general. provide for making proper answers and defences on behalf of his Majesty, to all such claims as shall be offered as aforesaid, and for reverting, affirming, or amending the decrees that shall

be patied upon such claims, as they shall see cause.

XXIV. And be it further enacted, That the court of fession Court to proshall, and they are hereby impowered and required, in a fum-ceed in a fummary way, and without the formality of proceedings in the mary way in courts of law or equity, to proceed by and upon the testimony examination of witnesses, of witnesses upon oath, examination of persons claiming, or &c. otherwise interested, upon their oaths, inspection, and examination of deeds, writings, and records, or by all or any of the faid ways and means, or otherwife, according to the circumstances of the case, as soon as conveniently may be, to hear, and determine, and adjudge all and every claim and claims, which shall be entered within the times aforefaid; and that every party Claimants to . claiming shall, if required by the said court, or by or on behalf answer upon of his Maiothr's advector was a said court, or by or on behalf answer upon of his Majesty's advocate, upon oath answer to the truth of his or her claim, and to fuch proper interrogatories as the court or council for his Majesty shall think fitting for the clearing thereof; and, upon oath, produce before the faid court, at their hearing and to produce fuch claim, all such deeds, writings, and evidences, as are in his their deeds, custody or power, any ways concerning the said claim, or the &c. lubject matter thereof.

XXV. And be it further enacted by the authority aforesaid, That where the claim, so to be determined as aforesaid to be just and lawful, shall contain a demand of any sum or sums of money, any wife affecting any of the said forfeited estates; then, Certificates to and in such case the said barons of the exchequer, or any three be given for of them, shall, and are hereby expresly impowered and required sums decreed; to iffue out debentures or certificates to claimants, for the respective fum or fums which shall be determined to be due and payable to them feverally by the decrees of the faid court of fession; which debentures or certificates, with legal interest shall be paid to be paid with in the first place without any deduction, fee, or reward, by the interest. faid receiver general, out of such rents and profits as shall be

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paid into his hands, from the respective estates upon which the faid claims are allowed.

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ceiver-

No decrees, for any lum on account of penalties for monpayment.

XXVI. Provided always, That no fuch decree, in favour of &c. to be made any claimant, or debenture or certificate to be issued thereupon, shall be made for any sum or sums, on account of penalties for failure of payment at the day it became due, or for any other

penalties whatfoever.

XXVII. And be it further enacted, That where the faid claim shall contain a demand of any honours, castles, manors, lands, tenements, rents, services, rents-charge, hereditaments, or other real estate whatsoever, or an interest therein, and shall be adjudged, determined, or decreed as abovesaid to be just and legal; then, and in that case, the said court of session are hereby authorized to order the sheriff or sheriffs, or the proper officer or officers of and in the respective counties and stewartries where the same shall lie, to cause possession to be delivered to fuch claimant and claimants, his, her, or their heirs, executors, administrators, or successors, or to whom they or any of them shall appoint; and all and every such claimant or claimants, his, her, or their heirs, executors, administrators, or successors, shall hold and enjoy the same for such estate and interest therein respectively, as shall be adjudged, determined, or decreed as a forefaid.

claimants to be put into poffcilion.

Court to ad-

claimants,

Jec.

On claims affirmed, the

XXVIII. And, to the end that justice may be rendered to the several claimants, on the said forfeited estates or interests, according to the priority or legal preference of their rights and diligences; be it further enacted, That it shall and may be lawful for the court of session, upon the application of his Mapreference of jesty's advocate, or of any claimant whose claim shall be affirmed on any of the faid forfeited estates and interests, to rank and determine the order of preference of the several creditors and claimants on the respective estates and interests; and the judgement to be given by the court of session, upon such application, shall be of the same force and effect, as if the several creditors or claimants who shall be so ranked, had been summoned for that purpose, in the usual manner, in a process of ranking.

fums specified in the interloquitors, &c.

XXIX. And whereas during the dependance of such ranking, or before the final decision of all the claims on any of the said forfeited estates, it may be just and reasonable that the growing rents and profits of the said estates, or some part thereof, should be paid over to Court to make some or other of the preserable creditors or claimants thereon; be it order for pay- therefore enacted by the authority aforesaid, That it shall and ment of the may be lawful to the said court of session, when they shall see cause, to make interloquitors, finding any creditor and claimant upon such estate, intitled to any sum or sums of money that shall be specified in such interloquitors, and recommending to the barons of the Exchequer, to cause the same to be paid; and upon production of such interloquitor, or an extract thereof, by the party obtaining the same, to the said barons of Exchequer, or any three of them, they are hereby impowered and required, as foon as conveniently may be, to make an order upon the re-

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ceiver-general, or upon the bailiff, factor, or steward of the estate, in such interloquitor mentioned, for payment of the sum or fums therein specified, out of the rents and profits of such estate.

XXX. And it is hereby further enacted and declared, That Conveyances all conveyances and affurances whatfoever, of any caftles, hon- made by traiours, manors, lands, tenements, rents, hereditaments, or real tors after at estate whatsoever, made at any time after the twenty fourth day June, 1742, of June, one thousand seven hundred and forty two, by any person who has been fince attainted, or thall be attainted as aforesaid, unto or for his own use, or unto or for the use of his wife, or any of his children, or in trust for himself, his wife, or any of his children (other than fuch as were made bona fide before, and in confideration of marriage, or in performance of except in comsome covenant or agreement made and reduced into writing, be- fideration of fore and in confideration of marriage) and also all assurances and marriage, &c. conveyances whatfoever, made at any time fince the twenty fourth day of June, one thousand seven hundred and forty two, by any deemed fraufuch person, are hereby declared to be, and shall for ever here-dulent. after be deemed and taken to be fraudulent; and that no claim shall, at any time hereafter, be allowed for the same, excepting No claim to fuch affurances and conveyances, as have been made fince the be allowed, but time aforesaid, or shall be made in time coming, for just and for onerous onerous causes, the said onerous causes being always otherwise instructed, than by the writings themselves.

XXXI. And whereas several tenants of the Said attainted persons, Tenants on may have paid their respective rents due to them, after the said twenty proof of payfourth day of June, one thousand seven hundred and forty five, and ment of their before the times of their respective attainders, without fraud or col- rents to be lusion; be it therefore enacted, That such tenants shall be, and discharged. are hereby discharged therefrom, on due proof of such actual payments thereof respectively made.

## CAP. XLII.

An all to enforce the execution of an all of this sellion of parliament, for granting to bis Majesty several rates and duties upon bouses, windows, or lights.

X THEREAS through various accidents execution of the powers 20 Geo. 2. C. 3. given by the act of the twentieth year of his present Majesty (intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the faid rates or duties) to the commissioners thereby authorized to put the same into execution, within the exact time, and according to the precise method thereby directed, bath been, and may be prevented, and the raising the rates and duties granted thereby obstructed or delayed; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in

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who have omitted, impowered to most and act at any other time.

Acts of the **com**inificances

confirmed.

this present parliament assembled, and by the authority of the Commissioners same, That in all cases where the said commissioners have already omitted, or shall at any time or times hereafter omit to meet or execute the faid powers, or any of them, within or at the time or times, or according to the manner directed and prescribed by the said act, it shall and may be lawful for the said commissioners, or any two or more of them, to meet and execute the faid powers at any other time or times, and from time to time, as there shall be occasion; and they are hereby authorized and required forthwith, or as foon after the time or times at which fuch meetings should have been held, according to the Aid act, as shall be convenient, to meet and execute the same, fo as that the faid rates and duties may be duly and effectually charged, raised, levied, collected, and paid to his Majesty, his heirs and fuccessors, for the uses in the said act, notwithstanding any such omission or defect; and all meetings and acts of the faid commissioners, or any two or more of them, which have been already had or done pursuant ('n all other respects) to the directions of the said act, shall be deemed, and are hereby declared to be good and valid to all intents and purposes, notwithstanding such omission or defect. II. And be it further enacted by the authority aforefaid, That

Two comappoint affeliors.

missioners may the said commissioners, or any two or more of them, shall have power; and are hereby required to appoint such assessors, and for such districts or divisions, within their respective limits, as they shall judge proper, out of the persons who shall by their precepts, as directed by the said act, be ordered to appear before them for such districts or divisions respectively; and if any of the persons on whom such precepts shall be served, shall neglect to appear, or they or any of the collectors or officers appointed, or to be appointed, under the faid act, shall wilfully neglect or refuse to take the oaths appointed by the said act to be taken by them respectively, or to take upon them their respective offices, the said commissioners, or any two or more of them, are hereby authorized and required to impose on every such person so neglecting or refusing, any fine not exceeding the fum of five pounds for any one offence; the same to be levied, certified, and paid, as other fines by the said act are di-

Persons neglecting to appear, to take the oaths, or ferve the office,

to pay 51.

III. And it is hereby further declared and enacted by the authority aforesaid, That in all cases where the kingdom of Engcluded, where land, or that part of Great Britain called England, hath been the kingdom or shall be mentioned in any act of parliament, the same has been and shall from henceforth be deemed and taken to comprehend and include the dominion of Wales, and town of Ber-

rected to be levied, certified, and paid.

wick upon Tweed.

Wales and Berwick inof England is mentioned.

> IV. And whereas certain persons, dissenters from the church f England, commonly called Quakers, do fe uple the takeng of any aths, and it may happen that several of the said p rsons my e appointed affesfors for raising the said rates and duties upon h uses, wind ws, and lights; be it further enacted by the authority aforesaid, That

### Anno vicefimo Georgii II. c. 43. 1747-]

in every such case it shall be sufficient for such persons appointed, Quakers apor to be appointed affessors for the purposes aforesaid, instead of pointed affesthe oaths appointed by the faid act to be taken by the faid affer- fors. fors, to make and subscribe the declaration of fidelity prescribed to make and by an act made in the first year of the reign of King William subscribe the and Queen Mary (intituled) An act for exempting their Majesties declaration of protestant subjects, dissenting from the church of England, from the filelity. penalties of certain laws) and that all certificates in writing, re- 1. W. & M.ft. 1. turned to the commissioners for the said duties, verified by any fuch persons upon their affirmation, shall be as valid and effec- Certificates tual, as if the fame were verified upon their oath, in the man- verified upon ner directed by the faid act; any thing therein contained to the affirmation to contrary thereof in any wife notwithstanding.

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be valad,

## CAP. XLIII.

An act for taking away and abolishing the beretable jurisdictions in that part of Great Britain called Scotland; and for making satisfaction to the proprietors thereof; and for restoring such jurisdictions to the crown; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all persons acting as procurators, writers, or agents in the low in Scotland to take the oaths; and for rendering the union of the two kingdoms more complete.

FOR remedying the inconveniencies that have arisen, and may arise from the multiplicity and extent of heretable jurisdictions in that part of Great Britain called Scotland, for making fatisfaction to the proprietors thereof, for restoring to the crown the powers of jurisdiction originally and properly belonging thereto, according to the constitution, and for extending the influence, benefit, and protection of the King's laws and courts of justice to all his Majesty's subjects in Scotland, and for rendering the union more complete; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That all heretable jurisdictions of justiciary, and all regalities and All heretable heretable baillieries, and all heretable constabularies, other than jurisdictions, the office of high constable of Scotland, and all stewartries, be- &c. in Scoting parts only of thires or counties, and all theriffthips and de-fice of high puty theriffthips of districts, being parts only of thires or coun-constable exties within that part of Great Britain called Scotland, belonging cepted, unto, or possessed or claimed by any subject or subjects, and all jurisdictions, powers, authorities, and privileges thereunto appurtenant or annexed, or dependant thereupon, shall be, and they are hereby, from and after the twenty fifth day of March, in to cease from the year of our Lord one thousand seven hundred and forty eight, 25 March, abrogated, taken away, and totally dissolved and extinguished. 1748.

II. Pro-

The lands, rents, and certain duties annexed to the heretable to remain.

II. Provided always, That all lands annexed or belonging to the said heretable bailleries, stewartries, and constabularies, hereby intended to be dissolved and extinguished, and the rents and duties, confisting of money, victual, cattle, or other goods, paybaillieries, &c. able to the possessors of the said heretable baillieries, stewartries, or constabularies, shall remain with and belong to them, their heirs, and fuccessors, and continue to be enjoyed by and paid to them, their heirs, and successors, notwithstanding the extinction of the faid offices.

All heretable be vefted in the King's courts and judges.

III. And be it further enacted by the authority aforesaid, That jurisdictions to all jurisdictions, powers, and authorities legally vested in, or belonging to any such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, and deputy sheriffships, or any of them, shall, from and after the said twenty fifth day of March, be vested in and exercised by the court of session, court of justiciary at Edinburgh, the judges in the feveral circuits, and the courts of the sheriffs and stewarts of shires or counties, and other of the King's courts in Scotland respectively, to which such jurisdictions, powers, and authorities would now by law have belonged, in case such justiciary, regality, baillierie, constabulary, Rewartry, sheriffship, or deputy sheriffship, had never been granted or erected; and that the several towns, villages, places, districts, and bounds which lie within, as were subject to such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, or deputy sheriffships, hereby taken away and disfolved respectively, and the inhabitants and residenters within the same, from and after the said twenty fifth day of March, shall be subject to the jurisdiction and authority of the said court of justiciary at Edinburgh, the judges in their circuits, the sheriffs, and the courts of the sheriffs or stewarts of counties or shires, and such other of the King's courts as aforesaid respectively, in the same manner as such towns, villages, places, districts, and bounds, and the inhabitants and residenters within the same, would have been, in case such justiciary, regalities, baillieries, constabularies, stewartries, sheriffships, or deputy sheriffships had never existed.

All heretable theriffships, &c. to be refumed and annexed to the crown.

IV. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, all sheriffships of any county or shire, and all stewartries, not hereby before taken away and extinguished, within that part of Great Britain called Scotland, granted unto, or possessed by, any subject or subjects, either heretably, or for life, and all surisdictions, authorities, or privileges thereunto belonging or annexed, or dependant thereupon, shall be, and they are hereby resumed and annexed to the crown; and that the sheriffs and stewarts of fuch counties, shires, and stewartries respectively, shall, from thenceforth, be nominated and appointed by his Majesty, his heirs and fucceffors.

Sheriffships, &c. not to be granted for a

V. Provided always, and it is hereby enacted by the authority aforesaid, That no sheriffship or stewartry of any county, shire, or district, within that part of Great Britain called Sc t-



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land, shall, at any time hereafter, be granted to any person or longer term persons whatsoever, either heretably, or for life, or for any cer- than I year. tain term exceeding one year; and that no justiciary, regality, Grants of juconstabulary, or baillierse, nor any judicature, jurisdiction, au-sticiary, &c. thority, or immunity of the like nature or kind, within that contrary to part of Great Britain called Scotland, shall, at any time hereafter, be erected, created, or granted, but that all letters patent, gifts, and grants of any of the premisses, made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void, to all intents and purpoles whatloever.

VI. And be it further enacted by the authority aforesaid, That Compensation reasonable and just compensation and satisfaction shall be made to be made for out of the next aids to be granted in parliament, for and in re- justiciaries, spect of every such justiciary, regality, sheriffship, deputy she- way. riffthip, stewartry, constabulary, and baillierie hereby taken away and dissolved, or resumed and annexed to the crown, to all and every person and persons respectively, who shall appear to be lawfully possessed of any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, and to every clerk thereof, who was on the eleventh day of November, one thousand seven hundred and forty six, lawfully possessed for life of his clerkship, in case such office shall be necessarily ex-

tinguished in consequence of this act.

VII. And be it further enacted by the authority aforesaid, That Claims, &c. all and every person and persons lawfully possessed of any such to be entered insticiary, regality, theriffship, deputy theriffship, stewartry, conjusticiary, regality, sheriffship, deputy sheriffship, stewartry, con- 1747; stabulary, baillierie, or clerkship, shall, on or before the eleventh day of November, in the year of our Lord one thousand seven hundred and forty seven, make and enter his, her, and their claim or claims thereto respectively in the court of session in Scotland; and all fuch claims, with the titles or vouchers pro- and to be givduced in support thereof, shall be given out in the usual man- on with the ner to his Majesty's advocate for Scotland or his deputy, or to the King's adhis Majesty's solicitor general there, who are hereby authorized vocate, ac. and required to appear on behalf of his Majesty, to defend or object against all or any such claim or claims, as they shall find cause to oppose, either in respect of the validity of the claimant's title to the jurisdiction therein set forth, or of the value or price thereof; and the faid court of fession shall, in a summary way, Court to exaexamine the feveral and respective titles to the same; and in mine the ticase they shall find any such person or persons to have been so mary way, lawfully possessed as aforesaid of any such justiciary, regality, and adjulge heriffship, deputy sheriffship, stewartry, constabulary, baillierie, the vale, or clerkship, then the said court shall, with all possible dispatch, as I make cerconsider and declare their opinion, touching the value or price Majesty in thereof, and shall cause all such opinions to be entered in a roll co meil, or book to be kept for that purpose, and make certificate or Copi sto be certificates thereof to his Majesty, his heirs or successors, in h's laid b fore or their privy council; copies of which shall be laid forthwith parliament, before both houses of parliament.

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Court to fit in the vacation, Scc.

VIII. And be it further enacted by the authority aforelaid, That the court of session shall be, and is hereby authorized and impowered to meet and proceed on all fuch claims as shall be exhibited pursuant to this act, in the times of vacation, and upon Monday, as well as upon other days, during the time of fession; and the said court of session is hereby required to sit for the purposes aforesaid, during the whole month of March next after the faid eleventh day of November, in the same manner as during the fession time, unless they shall sooner have discussed the matters and things, and made the certificates hereby directed.

Court to order of papers.

IX. And it is hereby further enacted, That the faid court of the production fession, for the better discovery of the truth in the enquiries and determinations hereby directed to be made, shall and may, and they are hereby authorized and impowered to order and compel the production of all books, papers, and writings, in any wife relating to any of the matters or things, which they are bereby impowered to examine into, determine, or declare their opinions upon, and to examine any person or persons, either parties or witnesses, upon oath, concerning the same, and also concerning any books, papers, and writings, relating to any fuch matters or things, either in general, or by particular deicription.

Where herefions are fo urcumftanced that they canthe court to order the fum decreed to be laid out in. purchase of lands, &c.

X. Provided always, That in all cases where any such herettable jurisdic- able justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, shall be subject to any strict tailzie, affected with irritant and resolutive or prohibitive clauses, not be aliened, or so settled, limited, mortgaged, or incumbered, that the posfessor thereof cannot dispone or alien the same, either gratuitoufly, or for an onerous cause, the sum or sums of money to be allowed for or in respect of the value or price thereof, shall, by the order and direction of the faid court of fession, be laid out and invested in the purchase of lands, tenements, or heretages, within that part of Great Britain called Scotland; which faid lands, tenements, or heretages, shall be disponed and settled to the fame uses, and under the same limitations and restrictions, for the benefit of such person and persons, and in the same course of succession, and subject to the same mortgages and incumbrances to or upon which such heretable justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, was fettled, or ought to have gone or stood subject unto.

Where estates the debts of the maker of the entail. be applied in paying off the fame,

XI. Provided also, That in such cases as aforesaid, and where are subject to the entailed estate is subject to, or affected with, any debts of the maker of the entail, or other debts that are effectual to charge the estate, not being contracted by the present fiar or the money to proprietor thereof, it shall and may be lawful to apply the money to be allowed for or in respect of the jurisdictions hereby abrogated, that were attendant on fuch tailzied estate, for paying off or clearing such estate of the debts of the maker of the entail. or other debts affecting the same as aforesaid, and that the refidue only (if any fuch shall be, after the payment of those-debts)



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be laid out in the purchase of other lands or heretages in man-

ner above mentioned.

XII. And it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons having any estate, right, title, or interest in or unto any such justiciary, regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, either in possession or expectancy, and to and for any heir of tailzie, or any substitute in any such tailzie, where the same, or any of them, shall be strictly entailed as aforesaid, or to or for any guardian, tutor, curator, or trustee, on behalf of any infant or minor, ideot, lunatick, or fatuous or furious person, having any such estate, right, title, or interest, or being such heir of tailzie, or substitute, as aforesaid, or for any mortgagee or incumbrancer, to make and enter his or her claim thereto in manner before directed, and also to exhibit or present a petition to the said court of Court to be session, praying the directions of that court for laying out or in- petitioned for vefting any such sum or sums of money in the purchase of lands, laying out the tenements, or heretages as aforesaid, or for placing out the same money; upon any good fecurity, until fuch purchase shall be found; and the faid court of session are hereby authorized and required to proceed upon every such petition in a summary way, and to make such order, and give such d'rections thereupon, as shall be agreeable to justice, and the nature of the case; and in the which is to be mean time, until fuch order and directions shall be made and I dg.dinbank given as aforesaid, all and every sum and sums of money, which shall make orshall be affessed or allowed for the value of any such justiciary, der. regality, sheriffship, deputy sheriffship, stewartry, constabulary, or baillierie, belonging to any fuch infant, minor, ideot, lunatick, fatuous or furious person, or subject to such strict tailzie, or so fettled, limited, mortgaged, or incumbered, shall be paid unto, and remain in either of the banks of Scotland; and from and after such order made, or d'rections given by the said court of fession, such sum or sums of money shall be paid out to such person or persons, as by the order or interloquitor of the said court shall be authorized and appointed to receive the same.

XIII. Provided always, That all and every person and per- Persons not sons, who shall neglect or omit to make and enter his, her, or entering their their claim or claims, in respect of any of the jurisdictions here claims excludby abrogated, and of such clerkships as atoresaid, within the ed. time, and in the manner herein before directed, shall be for ever excluded from the benefit of compensation and satisfaction here-

by provided. XIV. And be it further enacted by the authority aforesaid, P occeedings of That all suits, decrees, sentences, interloquitors, judoments, t eco: ", executions, and proceedings, of or in any court hereby abrogathad t f re
executions, and proceedings, of or in any court hereby abrogatthe had t f re
ed, taken away, and dissolved, which were depending, procontinued. nounced, awarded, or had, before the faid twenty fifth day of March, shall be and remain of the same torce, effect, and validity, and in the same state and condition, as the same would respectively have been in case this act had not been made; and

Proceedings, &c after 14 June, 1748, to be transmitruts courts.

Registers of hornings, &c. to be transmit-Edinburgh.

Jurisdictions of lands, difunited from their proper they he contiguous to.

Right of voting, and payment of land altered.

that all records, rolls, books, and entries of any such suits, decrees, sentences, interloquitors, judgments, executions, or proceedings, relating to any civil or criminal cause in any such court, ted to the the. shall on or before the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty eight, be transmitted by the possessor of any such justiciary, stewartry, sheriffship, deputy sheriffship, regality, constabulary, or baillierie, to the courts of the respective sheriffs or stewarts of counties, and there lodged and kept amongst the records of such courts; which shall proceed thereupon as if the said civil or criminal causes had been commenced originally in such courts; and that the register books of hornings, inhibitions, and interdictions heretofore kept ted to the re- in any baillieries of royalty or regality, or stewartries hereby gister house at abrogated, shall, on or before the said twenty fourth day of June, be transmitted to his Majesty's general register house at Edinburgh.

XV. And whereas by several grants of heretable jurisdictions, lands lying within, and making part of one shire, have been disunited from the same, and annexed to, and made part of, another distant shire, to the great interruption of justice, and inconvenience of the subjects; be it enacted by the authority aforesaid, That from and after the twenty fifth day of March, one thousand seven hundred and forty eight, all and every act, statute, charter or grant thires, annex- whatfoever, whereby any lands lying anciently within one thire ed to the thires in Scotland were disunited from the same, and annexed to another shire to which such lands were not adjacent or contiguous, shall be repealed and made void, with respect only to the jurisdiction of the sheriffs or stewarts courts; and the lands so disunited and annexed, shall, with respect to such jurisdiction only, be, and they are hereby restored or annexed to the shire or shires respectively within which fuch lands do locally lie; and in case such lands are interjected between two shires, they shall be, and are hereby annexed to the shire, to the head borough of which they are nearest adjacent.

XVI. Provided always, That this restitution shall not extend to vary or alter the right of voting for members to serve in partax, not to be liament, in respect of such lands, or to vary or alter the payment of the tax commonly called the cess or land tax.

XVII. And whereas the jurisdiction in capital cases, that was heretofore granted to many heretors or proprietors of lands within that part of Great Britain called Scotland, whose lands were erected by the crown into baronies, or granted cum fossa et furca, or with power of pit and gallows, or with the like words, importing such capital jurisdiction, bath been long discontinued or fallen into disuse, as to the exercise thereof, and it is now unnecessary and improper that the right or title of such jurisdiction in barons should be any longer retained: and whereas it is also reasonable that some further regulation should be made relating to the jurisdiction of such barons, or of other beretors of lands, who are infeofft cum curiis, or intitled to the jurisdictions of barons, or other lower jurisdiction; be it enacted by the authority aforesaid, That from and after the said twenty fifth

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day of March, in the year of our Lord one thousand seven hun- Barons, &c. to dred and forty eight, no heretor or proprietor of lands within have no jurif-Scotland, which had been erected into a barony, or granted with pital cases; other lower jurisdiction, or their baillies, shall, by virtue thereof, have, exercise, or enjoy any jurisdiction whatsoever in capital cases; and that no such baron, or other heretor of lands, infeofft nor in crimicum curiis, or their baillies, shall, by virtue thereof, have exercise, nal causes, exor enjoy any jurisdiction in any criminal cause whatsoever, other cept assaults, than affaults, batteries, and smaller crimes, for which the punishment to be inflicted shall only be by a fine not exceeding twenty shillings sterling, or by setting the delinquent in the stocks, for any time not exceeding three hours, in the day-time; which fine shall be levied by distress or poynding of the goods of the delinquent; and in default of fuch diftress, by imprisonment of nor in civil his or her person, for any time not exceeding the space of one causes, month; and that as to civil causes, it shall not be lawful or competent, from and after the faid twenty fifth day of March, for any fuch baron or heretor, or their baillies, to hold plea, or where the fum judge in any cause where the debt or damages shall exceed the sum shall exceed of forty shillings sterling, other than for recovering and uplifting 40 8. from the vassals, tenants, or possessors of the lands and heretages except in reof fuch baron or heretor, the mails and duties, or rents and pro-covering rents fits thereof, or for recovery of multures or services payable or and duties. prestable to their mills; and in all other civil causes it shall not be lawful for such courts to judge in cases of higher value than the sum aforesaid, by virtue of any prorogation of the jurisdiction, or consent of the parties litigant for that purpose; any law, custom, or usage to the contrary notwithstanding; and that every decree, fentence, judgement, and proceeding by or before any such baron, heretor, or their baillies, contrary to this act, shall be absolutely void and null to all intents and purposes whatfoever.

XVIII. And it is hereby further enacted by the authority Heretors pofaforesaid, That every baron, or other heretor of lands in Scot- sessed of criland, who shall be intitled to, or possessed of any criminal juris- minal jurisdiction, not hereby abrogated or taken away, shall and is here-diction, not hereby taken by required to enter in a book, to be kept by the sheriff clerk of away, to enter the county within which his lands lie (which books the faid with the fhetheriff clerks are hereby authorized and required to keep for that riffs clerks, purpose) the house, room or place which such baron or heretor the place appropriated for hath provided or appropriated, or shall provide or appropriate, a prif n. for being used as a prison, for rendering effectual the jurisdiction competent to him by law; and it shall not be lawful to such ba- None to be ron or heretor, or his baillie, to cause any person to be imprison- i npri oned in ed in any other room or place than what shall be so entered; unentered and every fuch house, room, or place shall be so situated, and places have fuch windows or grates open to inspection from without, w ndows open as that it may be practicable for any friend of the party imprison- to inspection, ed, to visit, see, and converse with the prisoner, when he shall &c. be so minded; and that every such baron or heretor shall, for every offence against this act, forfeit the penalty of twenty Penalty 201.

pounds

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ions, and difallow fuch as æc.

Sheriffs to in- pounds sterling, with costs, to the party injured; and that all spect the pri- and every the sheriffs of shires, and stewarts of stewartries, not hereby abrogated or taken away, or their deputies within Scotare grievous, land, shall, and they are hereby required to visit and inspect all fuch houses, places, or rooms, as shall be so entered as prisons, and to disallow and prohibit the use of the same, in case they shall appear to the said sheriffs or stewarts, or their deputies respectively, to be places grievous, or unhealthy, or not agreeable to the regulations rein before enacted.

None to be imaller crimes but by warrant, expref-&c.

transmitted to

the theriff.

XIX. Provided always That from and after the said twenty committed for fifth day of March, no person shall be committed to prison for custody, in order to trial, for any assaults, batteries, and smaller crimes, without a warrant or order in writing, expressing the fing the cause, particular cause for which such person is imprisoned; which warrant or order shall be entered at large in a book to be kept Extracts to be for that purpose; and extracts thereof shall be transmitted every fix months to the sheriff or stewart court of the county or stewartry, in which such warrant or order shall issue or be exe-

cuted, there to remain on record.

Jurisdictions of fairs and markets referved.

XX. Provided also, That it shall and may be lawful to and for every heretor and proprietor of lands in Scotland, intitled by his infeftments, or any of them, to any fair or market, to have and exercise such jurisdiction, as is competent to him by law, for preserving the peace, determining controversies, and restraining or correcting riots, trespasses, or disorders which may arise, or be committed within any fuch fair or market during the continuance thereof; any thing herein contained to the contrary notwithstanding.

Jurisdictions fa t-works, or ed.

XXI. Provided also, That every heretor, or proprietor of of coal-works, lands in Scotland, within which any coal-works or falt works, mines, reserv. or mines of any kind, are or shall be carried on, shall and may be at liberty to exercise such power and jurisdiction, as is competent to him by law, over the colliers or falters, or other workmen employed in carrying on fuch coal-works, falt-works, or mines; any thing herein contained to the contrary notwithstanding.

Jurisdictions of fairs, coalworks, &c. referved, not to extend to life, or demembration.

XXII. Provided always, That the power and jurisdiction hereby referved to the proprietors of fairs or markets, and of coal-works, falt-works, and mines, or any of them, shall not extend, or be construed to extend, to continue or reserve to them, or any of them, any power or jurisdiction of trying, judging or determining, in any case whatsoever, inferring the loss of life, or demembration; but that all such jurisdiction and power of trying, judging, and determining, in any case inferring the loss of life, or demembration, shall be, and is hereby, from and after the said twenty fifth day of March, one thousand seven hundred and forty eight, wholly taken away and abrogated.

Judges in barons or other courts to take the oaths. certificate.

XXIII. Provided always, and be it enacted by the authority afore'aid, That no baillie or other person shall, after the said twenty fifth day of March, one thousand seven hundred and forty and register a eight, officiate as judge in any baron's or other court, for executing

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cuting such jurisdiction as aforesaid, without first qualifying himfelf, by taking the oaths appointed by law to be taken by perfons in offices of publick trust, and causing a certificate of his having done so to be entered or registered in a book to be kept for that purpose, by the clerks of the shires, stewartries, or burghs, where such person shall reside; and if any person, from and after the faid twenty fifth day of March, shall presume to act or officiate as judge in any fuch court of barony, or fuch other courts as aforesaid, without having taken the said ouths, and causing the certificate of his having duly taken the same, to be registered as is above directed, every person so offending, being thereof lawfully convicted before any two or more justices of the peace, or before any other judge competent of the place, Penalty 101. fummarily, shall, for such offence, forfeit the sum of ten pounds or 6 months sterling; one moiety thereof to his Majesty, his heirs and suc-imprisonment. ceffors, and the other moiety to the use of such person who shall give information of the faid offence; and shall suffer imprisonment for the space of fix months, unless or until the same be

XXIV Provided always, and it is hereby further enacted, Jurisdictions That all and every person and persons who thall appear to have of baronies, been lawfully possessed, on the said twenty fifth day of March, &c. reserved. one thousand seven hundred and forty eight, of any such justiciary, regality, or other jurisdiction hereby abrogated, shall, from and after the said twenty fifth day of March, retain such jurisdiction of barony, or other lower jurisdiction, as such person or persons would have been intitled to, in case such justiciary, regality, or other jurisdiction hereby abrogated, had never been erected, granted, or existed; such lower jurisdiction nevertheless being always subject to the regulations hereby enacted concerning the like lower jurisdictions, throughout that part of the

kingdom.

XXV. And be it further enacted by the authority aforesaid, Letters pa-That no letters patent, charter, or grant, to be made or grant- tent, &c. for ed by his Majesty, his heirs or successors, or by the barons of uniting or the court of exchequer in Scotland, at any time after the fixth erecting lands day of June, in the year of our Lord one thousand seven hun- into baronies dred and forty seven, for the uniting or erecting any lands or dictions only tenements within that part of Great Britain called Scotland, into for the recovea barony, lordship, or earldom, or under any other denomina- ry of rents Scotland to any barony, lordship, or earldom or other did-in and duties, Scotland to any barony, lordship, or earldom, or other district of the like nature, under any denomination whatfoever heretofore granted or erected, shall be sufficient or available in law to pass, grant, or convey to the grantee or grantees therein named, or any other person or persons whatsoever, any greater or other jurisdiction, than for recovering and uplifting from the vasfils, tenant, or possessor of the lands and heretages of the proprictor of fuch barony, lordship, or earldom, the mails and duties, or rents and profits thereof, or for recovery of the multures or fervices-payable or prestable to their mills; and that all letters pa-

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Grants contrary to this act null.

tent, charters, gifts, and grants of any of the premisses, to be made contrary to the true intent and meaning of this act, shall be, and they are hereby enacted and declared to be null and void.

Jurisdictions veited in royal boroughs referved. .

XXVI. Provided always, and it is hereby further enacted, That nothing in this act shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction or privilege, by law vested in or competent to the corporation or community of any royal borough in Scotland; and that all such jurisdictions, privileges and immunities, as are by law vested in or competent to fuch royal boroughs, or any of them, whether within or without the royalty of fuch boroughs respectively, are and shall be faved and referved entire to them, or any of them, in such and the same manner, to all intents and purposes, as it this act had not been made.

Cumulative juridictions vested in burghs of regality, &c. reterved.

Exception.

Officers executing poyndings, to carry the goods or famples to the market cross of the next royal burgh, æç.

XXVII. Provided always, and it is hereby further enacted, That nothing in this act contained shall extend, or be construed to extend to take away, extinguish, or prejudice any jurisdiction, authority, or privilege, by law vested in, or competent to the corporation or community of any burgh of regality, or of barony in Scotland, or to the magistrates of any such burgh respectively, which are independent of the lord of regality or baron respectively, except any power or privilege of repledging from the sheriff's or stewart's court, or any other of the King's courts; and from and after the faid twenty fifth day of March, the jurisdiction hereby reserved to such corporation or community, or the magistrates thereof, shall be, and be deemed and taken to be cumulative only.

XXVIII. And be it further enacted by the authority aforefaid, That from and after the twenty fifth day of March, one thoufand seven hundred and forty eight, in the execution of poyndings, within that part of Great Britain called Scotland, it shall and may be lawful for the officer executing fuch poyndings, to carry the goods poynded, or lamples thereof, in such cases where the carrying of lamples is practifed, to the market cross of that royal burgh, or burgh of regality, or barony (as well fuch whereof the jurisdiction is hereby abrogated or regulated, as those whereof the jurisdiction is saved entire) which shall lie nearest to the place where such poynding was inchoated, which shall be as sufficient to all intents and purposes, as if such goods or samples as aforesaid had been carried to the market cross of the head burgh of the shire; any law, custom, or usage to the contrary notwithitanding.

XXIX. And whereas it is reasonable, That some further regulation should be made relating to the sheriffs courts in that part of Great Britain called Scotland; be it further enacted by the authority aforesaid, That there shall be but one sheriff depute, or stewart depute, in every county, shire, or stewartry in Scotland, not hereby taken away or abrogated, and that he shall be an adfications of of- vocate of three years standing at the least, and shall, during the space of seven years from the said twenty fifth day of March,

Regulations relating to theriffs courts, and the quali ficers.



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be nominated and appointed by his Majesty, his heirs or successors, by warrant under his or their sign manual, with such continuance as his Majesty, his heirs or successors shall think fit; and that after the end of the faid seven years, the offices of theriff depute, and stewart depute, shall be granted and held ad vitam aut culpam only, with competent falaries, to be ascertained and established for the time of their continuance; and that every fuch sheriff depute, or stewart depute, shall have power to nominate and appoint one or more person or persons to act as substitute or substitutes under him throughout the whole county, shire, or stewartry, or within such parishes or districts thereof, as shall be expressed in the commission of such substitute or substitutes during his pleasure, for whom he shall be answerable; and such substitute and substitutes are hereby required to take and subscribe openly, in such theriffs or stewarts courts respectively, the oaths appointed by law to be taken by persons in offices of publick trust, to be there recorded, before he or they enter upon his or their office or offices; and that it shall and may be lawful for all sheriffs depute and stewarts depute, and their substitutes, to hold their courts at any time in the year, as well during the vacation of the court of session, as during the fitting thereof, without any dispensation from the said court: any law, custom, or usage to the contrary in any wife notwithstanding; and that it shall and may be lawful for the said theriffs depute or stewarts depute, not only to hold the stated courts at their head boroughs, but also to hold itinerant courts, at such times and places, within their respective jurisdictions, as they shall judge to be expedient, or at such times and places as they shall be directed or ordered by his Majesty, his heirs or succesfors, by warrant under his or their fign manual; which theriffs depute, or stewarts depute, are hereby required to cause notice to be given, within a reasonable time before such itinerant courts shall be held; which notice they shall cause to be published at the several parish churches within the district for which the same are to be so held; and that every such sheriff depute, and stewart depute, shall be and reside personally within his county, shire, or stewartry, during the space of four months at least in the year; and that it thall not be lawful for any sheriff depute or stewart depute to advise, plead, or otherwise act as an advocate before any of the King's courts at Edinburgh, or at the circuit courts, in any cause, civil or criminal, arising within, or coming from his county, shire, or stewartry; and that in case any fuch sheriff depute or stewart depute shall not so reside, or shall so advise, plead, or otherwise act as an advocate, or shall be guilty of any gross misbehaviour, or neglect of duty, every such sheriff depute or stewart depute, being convicted of any such offence, upon a summary trial before the court of session, at the fuit of his Majesty's advocate for the time being, or at the suit of any four or more of the freeholders intitled to vote in ele tions of members to ferve in parliament for fuch county, thir; or Bewartry, shall be deprived of his office.



High Sheriffs, &c. not to lit as judges.

XXX. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, which shall be in the year of our lord one thousand seven hundred and forty eight, it shall not be lawful for any principal, or high sheriff, or flewart in Scotland, personally to judge in any cause, civil or criminal, within his thire or stewartry, in virtue of such his office; any law or usage in any ways to the contrary notwithstanding.

Circuit courts to be held twice a year.

XXXI. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of Murch the circuit courts shall be regularly held twice in every year, within that part of Great Britain called Scotland, and the judges thereof 6 days at each shall continue by the space of six days at the least, at each town or place where the circuit courts shall be held, for the dispatch of bufiness.

Judges to fit place.

XXXII. And whereas a doubt hath been entertained, whether it be lawful or competent for one judge to proceed to do business in the circuit courts, when his colleague happens to be necessarily absent, and the justice general not to be present at such circuit court; it is hereby further enacted, That it shall and may be lawful for any one may act in the of the judges in such circuit courts to dispatch business whenever absence of his it shall happen that his colleague shall, through indisposition, or other necessary avocation, be absent, and the justice general not be present at such circuit court; any law, custom, or usage, to the contrary in any wife notwithstanding.

The western Argyll.

One judge

colleague.

XXXIII. And it is hereby further enacted, That the councircuit to take ty or shire of Argyll, and all the islands, places, districts, and in the shire of bounds lying within, or subject to the jurisdiction of the justiciary now vested in, or belonging to the most noble Archibald duke of Argyll, shall be, and be deemed and taken to be within the limits of the circuit called the western circuit, or of such other circuit or circuits in Scotland, as shall be appointed by his Majesty, his heirs or successors, pursuant to the power herein after mentioned; and that the judges of the said circuit or circuits shall have and exercise the same jurisdiction, powers, and authorities within the faid county or shire of Argyll, and the islands, places, districts, and bounds before-mentioned respectively, as in any other county or shire within the said circuit or circuits; and that the burgh of Inverary, being the head burgh of the shire of Argyll, shall be the place where the circuit court shall be held twice in the year, for the counties or shires of Argyll and Bute. gyll and Bute.

The circuit court to be held at Inverary for Ar-

XXXIV. And to the end that the jurisdiction of the circuit courts, in that part of Great Britain called Scotland, may be rendered more useful and beneficial to his Majesty's subjects in that part of the united kingdom, be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any party or parties conceiving himself or themselves aggrieved by any interlocutor, decree, sentence, or judgment of the sheriff's or stewart's court of any county, shire, or stewartry, or of the courts of any royal borough, or burgh of regality or barony, or

Persons aggrieved by sentence, &c. of the theriffs court,



of any court of any baron, or other heretor having such jurisdiction, as is not hereby abrogated or taken away, where such interlocutor, decree, sentence, or judgment shall be concern- in criminal ing matters criminal, of whatever nature or extent the same may cases, not in-be, except all cases which infer the loss of life or demembration, life or deor in matters civil, where the subject matter of the suit did not membration, exceed in value the sum of twelve pounds sterling, to complain or in civil and seek relief against the same, by appeal to the next circuit where the court of the circuit wherein such county, shire or stewartry, sum did not royal borough, or burgh of regality or barony, or fuch barony exceed 121. or estate shall lie, so as no such appeal be competent before a final decree, sentence, or judgment pronounced; and such ap- may appeal to peal, it shall be lawful for the party conceiving himself aggriev- the next cired, to take and enter in open court, at the time of pronounc- cuit court. ing such decree, judgment, or sentence, or at any time thereafter, within ten days, by lodging the same in the hands of the clerk of court, and ferving the adverse party with a duplicate thereof personally, or at his dwelling-house, or his procurator or agent in the cause, and serving in like manner the inferior judge himself, in case the appeal shall contain any conclusion against him by way of censure or reparation of damages, for alledged wilful injustice, oppression, or other malversation; and fuch service shall be sufficient summons to oblige the respon- Copy to be dents to attend and answer, at the next circuit court, which delivered to shall happen to be held fifteen days at least after such service; dents. and thereupon the judge or judges, at fuch circuit court, shall and may proceed to cognosce, hear, and determine any such ap-Circuit court peal or complaint, by the like rules of law and justice as the to proceed in court of session, or court of justiciary respectively, may now a summary cognosce and determine in suspensions of the interlocutors, de- way in hear-crees, sentences, or judgments of such inferior courts, but the ing appeals; crees, sentences, or judgments of such inferior courts; but the faid circuit court shall proceed therein in a summary way; and in case they shall find the reasons of any such appeal not to be relevant, or not instructed, or shall determine against the party fo complaining or appealing, the faid judge or judges shall condemn the appellant or complainer in fuch costs as the court shall and award think proper to be paid to the other party, not exceeding the firmance. real costs bona fide expended by such party; and the decree, sentence, or judgment of such circuit court, in any of the cases aforesaid, shall be final.

XXXV. Provided, That so much of this act as relates to ap- Clause relatpeals on civil causes to the circuit courts as aforesaid, shall be in ing to appeals force for the space of ten years, to be computed from the said in civil causes twenty fifth day of March, and to the end of the then next fef- in force for 10 fion of parliament, and no longer.

XXXVI. Provided always, That wherever such appeal shall Appellant to be brought, such complainer at the same time he enters his give security. appeal as aforesaid, shall lodge in the hands of the clerk of court, from which the appeal is taken, a bond, with a sufficient Clerk of the cautioner for answering and abiding by the judgment of the cir-court answercuit court, and for paying the costs, if any shall be by that court security. awarded;



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awarded; and the clerk of court shall be answerable for the sufficiency of fuch cautioner.

Circuit courts termine appeal, to certity the same to the feffion.

XXXVII. Provided always, and it is hereby enacted by the not able to de- authority aforesaid, That in case such circuit court shall, in cognoscing or proceeding upon such appeal, find any such difficulty to arise, that by means thereof such circuit court cannot proceed to the determination of the same, consistently with justice and the nature of the case; in any such case, and not otherwise, it shall and may be lawful to and for such circuit court to certify such appeal, together with the reasons of such difficulty, and the proceedings thereupon had before such circuit court, to the court of festion, or court of justiciary respectively; which courts are hereby respectively authorized and required to proceed in, and determine the fame.

Act of 1663, advocations in caules not exceeding ral.

XXXVIII. And be it further enacted by the authority aforeextended to all said, That the act of parliament made in Scotland, in the year one thousand six hundred and sixty three, intituled, Act anent the discharging of advocations for sums within two hundred merks, shall from and after the said twenty fifth day of March, be, and the same is hereby extended to the case of all advocations, in

causes not exceeding the value of twelve pounds sterling.

His Majesty to make order for a new division and di-Aribution of the circuit courts, &c.

XXXIX. And whereas it will be for the evident utility of the subjects within Scotland, and for the more effectual administration of justice there, that the circuit courts should be held in some parts and places in Scotland, to which the judges have not hitherto used to go; be it enacted by the authority aforesaid, That it shall and may be lawful for his Majesty, his heirs and successors, by an order to be made in his or their privy council, to make a new division and distribution of the circuits in Scotland, or any of them, and to appoint and allot what counties, shires, stewartries, places, districts, and bounds, shall be comprehended within any such circuit, and at what times and places the circuit courts shall be held respectively for ever after; and such order so to be made as aforefaid, shall be duly performed, observed, and obeyed; and the judges, in such new circuits so to be appointed, shall have, exercise, and enjoy the same jurisdiction, powers, authorities, and privileges, as by virtue of any law now in force, or by this act, are or would be competent to the judges in the circuits already established in Scotland, or any of them.

 Circuit courts to be held in the towns appointed by act of 1672, &c.

XL. Provided always, That circuit courts shall continue to be held at fuch towns, as are appointed for keeping and holding of circuit courts, by an act of parliament made in the year one thousand six hundred and seventy two, intituled, Act concerning the regulation of the judicatories, or by this act, but without prejudice to the power hereby vested in his Majesty, his heirs or successors, to diminish, augment, or alter the districts, for which such circuit court shall be held, pursuant to the provision herein before made; and the court of session in Scotland is hereby directed and required to take into their consideration what fees they shall judge reasonable, to be paid to the clerks or other officers officiating in the circuit courts, or in the courts

of sheriffs or stewarts in civil causes, and regulate the same by one or more act or acts of Sederunt, on or before the said twenty fifth day of March, one thousand seven hundred and forty eight; which thall be binding upon all parties concerned, unless or until the same shall be altered by act of parliament; and Officers fees the court of justiciary shall in like manner take into their consi- to be regulatderation what fees they shall judge reasonable to be paid to the ed by the sesclerks, or other officers officiating in the circuit courts, or in fion and justi. the sheriffs or stewarts courts, in criminal causes, and shall re- ciary. gulate the same by one or more act or acts of adjournal, on or before the faid twenty fifth day of March, which shall in like manner be binding on all parties concerned, unless or until the

fame be altered by act of parliament.

XLI. And whereas it hath been found by experience, that the re- Regulation of gulation concerning trials in the court of justiciary in Scotland, in- trials in the troduced by the fourth act of the parliament of Scotland, held in the court of juyear one thousand six hundred and ninety five, intituled, Act anent act of 1695 the justice court, is unnecessary and inconvenient, be it therefore repealed. enacted by the authority aforesaid, That so much of the said act as directs, that after the debate of the relevancy is ended, the King's advocate or advocates, or procurators for the purfuer, and for the pannel respectively, shall give into the clerk informations in writing, to be recorded in the books of adjournal, to be read in open court at advising, be and is hereby repealed; and that in place thereof, and of the ancient use and custom Regulations observed in that court, of advocates or procurators dictating, to be observed and the clerks writing of the debate on the relevancy, which those repealed. use and custom is by the said act discharged and laid aside, the pannel shall give into the clerk of the court the day before the trial, in writing, subscribed by the pannel, or one of his procurators, such account of the facts, relating to the matters charged upon him in the libel or indictment, and thereto briefly subjoin the heads of such objections or defences, as he shall think fit or be advised to make at his trial, and that after the debate on the relevancy, viva voce, the minutes whereof shall be taken down, or made up in the same manner in the justiciary court at Edinburgh, as is now practifed at the circuit courts, or in the court of fession, it shall be lawful for the court forthwith to pronounce their interlocutor upon the relevancy, and to proceed to the trial, or to adjourn their interlocutor upon the relevancy, or the trial, to a further day, as they shall see caule.

XLII. Provided always, That it shall and may be lawful for Rules to be the faid court of justiciary, in the trial of any crimes or offen- observed by ces, other than high treason, to direct by a special order for the justiciary that purpose, in such cases as for their difficulty or importance stions of difshall appear to require such direction, that informations in writ- neulty occur. ing be given in by the procurators for the pursuer and the pannel respectively, in any part of the trial where questions of such difficulty shall occur, whether, after the debate on the relevancy of the libel, or of the defences, or on the import of a special verdict,

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verdict, or on the degree of punishment, or extent of the pains of law for the crime libelled, or upon any matters that shall be alledged for the pannel before judgment.

Sheriff's fines abolished.

XLIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fifth day of March, in the year of our Lord one thousand seven hundred and forty eight, no fines, forfeitures, or penalties, set, imposed, or recovered in the sheriff's or stewart's court of any county, shire, or stewartry in Scotland, shall accrue, go, or belong to the sheriff or stewart or any sheriff depute or stewart depute, but all shares of such fines, forfeitures, and penalties, as heretofore went to the judge, shall accrue and belong to his Majesty, his heirs and successors, and shall be accounted for, and paid into the exchequer of Edinburgh, in like manner, and the like process, rules, orders, and methods of proceeding, shall be issued, observed, and used for levying the same, and compelling the accounting for, bringing in, and paying the same into the said exchequer, as are now competent by law for the accounting for, levying, bringing in, and paying into the faid exchequer any fines, forfeitures, and penalties accruing or becoming due to his Majesty; and ney abolished, that from and after the said twenty fifth day of March, no fees, poundage, or profits, commonly called sentence money, shall be received, taken, or demanded by any sheriff or stewart, sheriff depute or stewart depute, or any of their minifters, officers, or clerks, but all such fees, poundage, or profits, commonly called fentence-money, are hereby utterly taken away, discharged, and abolished; any law, custom, gift, grant, usage,

Rules to be observed in levying, &c.

Judges fines to be paid into

the exchequer

Sentence mo-

Agents &c. to take the oaths.

or practice to the contrary in any wife notwithstanding. XLIV. And be it further enacted by the authority aforesaid, That from and after the twenty ninth day of September, one thousand seven hundred and forty seven, it shall not be lawful for any person whatsoever in Scotland to act as a writer, agent, or folicitor, or to manage, agent, or folicit any cause or business in the court of fession, court of justiciary (whether at Edinburgh, or in the circuit courts) or in the court of Exchequer, until such person shall have first taken and subscribed the oaths in the court of session or justiciary, or in one of the sheriffs or stewarts courts, appointed by law to be taken by persons in offices, civil or military, in Scotland, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in the respective courts, where any such person shall so officiate, and it shall not be lawful for any person whatsoever to act or officiate as a procurator, writer, agent, or folicitor, or to plead manage, agent, or folicit any cause or business in the court of any sheriff or stewart in Scotland, or any other inferior court, until fuch person shall have first taken and subscribed the said ouths as aforesaid, and caused a certificate thereof to be registered in fuch court or courts where he shall officiate as aforesaid; any law, custom, or usage to the contrary notwithstanding; and every such court shall be obliged, upon demand of such persons, to administer and register such oaths respectively; and every per-

## Anno vicelimo GEORGII II. C. 44. 1747.]

fon who shall, after the said twenty ninth day of September, one thousand seven hundred and forty seven, act in manner above. Agents acting mentioned in any of the courts aforesaid, without having first without havtaken and subscribed the said oaths, and caused a certificate ing taken the thereof to be registered as herein directed, shall, for every such oaths. &c. offence, being thereof lawfully convicted in any of the courts aforesaid, where the offence shall have been committed, or before the court of session, or justiciary, upon a summary trial, forfeit the sum of twenty pounds sterling; one moiety thereof to forfeit sol. to his Majesty, his heirs and successors, and the other moiety to the use of such person who shall give information of the said or be commitoffence; and shall suffer imprisonment for the space of six months, ted. unless or until the same be paid.

## CAP. XLIV.

An all to extend the provisions of an all made in the thirteenth year of his present Majesty's reign, intituled, An act for naturalizing such foreign protestants, and others therein mentioned, as are fettled, or shall settle in any of his Majesty's colonies in America, to other foreign protestants who conscientiously scruple the taking of an oath.

WHEREAS by an act made in the thirteenth year of his pre- 13 Geo. 2. fent Majesty's reign, intituled, An act for naturalizing c. 7. fuch foreign protestants, and others therein mentioned, as are fettled, or shall fettle in any of his Majesty's colonies in America; it was enacted, That from and after the first day of June, in the year of our Lord one thousand seven hundred and forty, all persons born out of the ligeance of his Majesty, his heirs or successors, who had inhabited and resided, or should inhabit and reside for the space of seven years, or more, in any of his Majesty's colonies in America, and should not have been absent out of some of the Said colonies. for a longer space than two months, at any one time during the said feven years, and should take and subscribe the oaths, and make, repeat, and subscribe the declaration appointed by an act made in the first year 1 Geo. 1. C. 13. of the reign of his late majesty King George the First, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants, and for extinguishing the hopes of the pretended prince of Wales, his open and secret abettors; or being of the people called Quakers, should make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by an act made in the eighth year of 8 Geo. 1. c. 6. the reign of his said late Majesty, intituled, An act for granting the people called Quakers, such forms of affirmation or declaration, as may remove the difficulties which many of them lie under; and also make and subscribe the profession of his christian belief, appointed and prescribed by an act made in the first year of the . W. & M. reign of their late majesties King William and Queen Mary, inti- ft. 1. c. 18. tuled, An act for exempting their Majesties protestant subjects from the penalties of certain laws, before the chief judge, or other judge

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judge of the colony wherein such persons respectively had so inhabited and resided, or should so inhabit and reside, should be deemed adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, constructions, and purposes, as if they, and every one of them, had been or were born within this kingdom: and whereas many of the people of the congregation called the Moravian brethren, and other foreign protestants, not Quakers, who conscientiously scruple the taking of an oath, are settled in his Mujesty's colonies in America, and demean themselves there as a sober, quiet, and industrious people, and many others of the like persuasion are desirous to transport themselves thither; and if the benefit of the said act, made in the thirteenth year of his present Majesty's reign, were extended to them, they who are now there would thereby be encouraged to continue their residence in his Majesty's colonies, and others would resort thither in greater numbers, whereby the faid colonies would be improved, their strength increased, and their trade extended; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of December, one thousand seven hundred and forty seven, all foreign dents in Ameprotestants, who conscientiously scruple the taking of an oath, who scruple an and who are born out of the ligeance of his Majetty, his heirs or successors, who have inhabited and resided, or shall inhabit and reside, for the space of seven years or more, in any of his **fubscribingthe** Majesty's colonies in America, and shall not have been absent affirmation of out of some of the said colonies for a longer space than two months at any one time during the faid feven years, and shall make and subscribe the declaration of fidelity, and take and affirm the effect of the abjuration oath, appointed and prescribed by the faid recited act, made in the eighth year of the reign of his late majesty King George the First, and also make and subscribe the profession of his christian belief, appointed and prefcribed by the faid recited act, made in the first year of the reign of their late majesties King William and Queen Mary, before the chief judge or other judge of the colony wherein fuch perfons respectively have so inhabited and resided, or shall so inhabit and reside, shall be deemed, adjudged, and taken to be his Majesty's natural-born subjects of this kingdom, to all intents, to be deemed constructions, and purposes, as if they and every of them had been or were born within this kingdom; which faid affirmation and subscription of the said declaration, the said chief or other judge of every of the said respective colonies, is hereby enabled and impowered to administer and take: and the taking of every fuch affirmation, and the making and fubscribing of every such declaration, shall be in such manner and place, and at such times and hours, and such entries made thereof, and for the same fees, and under the same penalties, as in the faid recited act of the thirteenth year of his Majesty's reign are mentioned; and lifts of the persons who shall take the bene-

natural born subjects.

Lists of per-

benefit to be

Foreign protestants resi-

rica 7 years,

oath, upon making and

fidelity and

declaration;

fonstakingthe fit of this act, shall be transmitted to the commissioners of trade

and

## Anno vicesimo Georgii II. C. 44. 1747.]

and plantations, in like manner, and under the same penalties, transmitted to as lifts of the persons taking the benefit of the said act are there- the commis-

by directed to be transmitted.

II. Provided always, and be it enacted by the authority aforefaid, That no person shall be naturalized by virtue of this act, Persons to unless such person shall have received the sacrament of the Lord's qualify themsupper, in some protestant or reformed congregation, within selves by tak-some of the said colonies in America, within three months next ment. before his taking such affirmation, and making and subscribing fuch declaration, and shall at the time of his taking such affir- Certificateand mation and making and subscribing such declaration, produce a entry thereof certificate, figned by the person administering the said sacrament, to be made. and attested by two credible witnesses, whereof an entry shall be made in the fecretary's office of the colony wherein such person shall so inhabit and reside, as also in the court where the said affirmation shall be so taken as aforesaid, without any fee or reward.

III. And be it further enacted by the authority aforesaid, Provisions of That the provisions contained in the said act, made in the thir- with regard to teenth year of his present Majesty's reign, with regard to certi-certificates, ficates of residence, and of having made and subscribed the said &c. extended declaration, and taken the said affirmation, and as to such cer- to such foreign tificates being made evidence in the courts of Great Britain and protestants. Ireland, and also in the said colonies, and all other the benefits of the said act, shall extend to foreign protestants, who conscientiously scruple the taking of an oath, and who shall be qualified

as aforefaid.

IV. Provided always, That the faid foreign protestants shall Privileges of enjoy the privileges of natural born subjects, and all the benefits natural-born of this act, and the said act of the thirteenth year of his Majes- subjects, &c. ty's reign.

V. Provided always, and be it hereby further enacted, That Restrictions. no person who shall become a natural-born subject of this kingdom, by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place of trust within the kingdoms of Great Britain or Ireland, either civil or military, or of having, accepting, or taking any grant from the crown to himfelf, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of Great Britain or Ireland, any thing herein before contained to the contrary thereof in any

wife notwithstanding.

VI. Provided also, and it is hereby further enacted by the Persons exauthority aforesaid, That nothing in this act, or in the said re-cluded from cited act of the thirteenth year of his Majesty's reign contained, this or 13 Geo. shall extend, or be construed to extend to naturalize any person or persons whatsoever who by virtue of an act made in the fourth year of his Majesty's reign (intituled, An act to explain a clause in 4Geo. 2. C. 21. an all made in the seventh year of the reign of her late majefly Queen Anne, for naturalizing foreign protestants, which relates to the children of natural-born Subjects of the crown of England, or of Great Britain) are declared and enacted not to be intitled to the benefit of the said act of the seventh year of her said late Majestv's Vor XIX. reign

trade.

Continued to

1 June, 17 4.

2 C. 18.

# Anno vicesimo Georgii II. C. 45.

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II Aid

reign, but that all such persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have been in, if the said recited act of the thirteenth year of his Majesty's reign, or this act, had never been made; any thing in this act, or in the said recited act of the thirteenth year of his Majesty's reign contained to the contrary in any wife notwithstanding.

## CAP. XLV.

An att to continue several laws relating to the manufactures of sail-cloth and silk; to give further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize ships lawfully condemned shall be deemed British built ships; and for allowing prize goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or bome consumption.

WHEREAS the laws herein after mentioned, which have by experience been found useful and beneficial, are near expiring, may it please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for the 12 Annæ, c. 16. better encouragement of the making of Sail-cloth in Great Britain; which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which 5 Geo. 1. c. 25. was, by an act made in the fifth year of his late Majesty's reign, further continued for the term of seven years, and from thence to the end of the then next session of parliament; and which, 10Geo.1. C.17. by another act made in the tenth year of the reign of his faid late Majesty, was further continued for the term of seven years, and from thence to the end of the then next session of parliament; and which, by another act made in the eighth year of the 8 Geo. 2. c. 18. reign of his present Majesty, was further continued until the twenty fifth day of March, one thousand seven hundred and forty two, and from thence to the end of the then next fession of parliament; and which, by another act made in the fifteenth year of the reign of his present Majesty, was further continued 15Geo. 2. c 35. until the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereo until the first day of June, one thou-Fa ber cois- fand feven hundred nd if y fou, and from thence to the end nued by 27 G o. of the th n i ext fession of parlian ent.

### Anno vicesimo GEORGII II. C. 45. \$747.]

II. And be it further enacted by the authority aforefaid, Clauses in

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That the several clauses contained in an act made in the eighth & Geo. 1. C.15. year of the reign of his late Majesty, (n suled, An ast for encouragement of the filk manufactu es of this nglom; and for taking off several duties on merchandizes exported; and for re using the duty upon beaver-skins, pepper, mace, cloves and tu , g , imported; and for importation of all firs of the product of to British plantations into this kingdom only; and that the two corporate is of affurance, on any fuits brought on their policies, shall be liable o ly to fingle damages and costs of fuit) relating to the encouragement of the filk manufactures of this kingdom, and for taking off feveral duties on merchandizes exported, which were to continue in force for three years, from the twenty fifth day of March, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which said clauses were, by an act made in the eleventh year of his said 11Geo.1.c.29. late Majesty's reign, continued from the expiration thereof for three years, and from thence to the end of the then next session of parliament; and by another act made in the second year of his pre- 2Geo. 2. C. 28. fent Majesty's reign, were further continued from the expiration thereof until the twenty ninth day of September, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which, by another act made in the eighth year of his present Majesty's reign, were further continued 8Geo. 2. C. 18. until the twenty fifth day of March, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which, by an act made in the fifteen h year 15Geo.2.c.35 of the reign of his present Majesty, were further continued until the first day of June, one thousand seven hundred and forty feven, and from thence to the end of the then next session of parliament; shall be, and the same are hereby continued from Continued to June, 1754. the expiration thereof until the said first day of Juce, one thou- Fart er contifand seven hundred and fifty four, and from thence to the end nued by 26 of the then next fession of parliament.

Geo. 2. C. 32 .

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III. And be it further enacted by the authority aforesaid, The two last That the two last clauses in an act made in the ninth year of the clauses in reign of his late Majesty, for continuing some lavs, and reviv- 9 Geo. 1. c. 8. ing others therein mentioned, for more effectual preventing frauds in mixing filks with stuffs to be exported, which said clauses were by an act, made in the second year of the reign of his present Majesty, to continue in force from the twenty ninth day of September, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which, by another act, made in the eighth year of the reign of his pre'ent Majesty, were further continued until the twenty firth day of March, one thousand seven hundred and forty two. and from thence to the end of the then next festion of jarliament; and which by another act made in the fifteenth year of the reign of his present Majesty, was further continued until the first day of June, one thousand seven hundred and forty leven; and from thence to the end of the then next fission of

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continued to parliament, shall be, and are hereby further continued until I June, 1754. the said first day of June, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

8 Ann. c. 9.

IV. And whereas by two several acts of parliament made and passed in the eighth and ninth years of the reign of her late majesty 9 Ann. c. 21. Queen Anne, certain rates and duties, to be under the management of the commissioners for the stamp duties, were charged and directed to be levied or continued, for or in respect of monies given, paid, or contracted for, with clerks, apprentices, or servants, to be paid at such times, and in such manner, and under such penalties, as in and by the said several acts are respectively mentioned, expressed, and provided: and whereas by an act made and passed in the eighteenth

year of the reign of his present Majesty, intituled, An act for 18Geo.2.c.22. granting to his Majesty the sum of eight hundred thousand pounds out of the finking fund, and for granting a fum remaining in the exchequer, arisen by the surplus of the duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty five; and for the further appropriating the supplies granted in this session of parliament; and for giving further time for the payment of duties omitted to be paid for the indentures or contracts of clerks and apprentices; and for the further enforcing the payment of the faid duties; after taking notice of the said two former acts, and that several persons had, through negligence or inadvertency, omitted to pay the several rates and duties payable in that behalf; and to have the indentures or contracts stamped within the times, for those purposes respectively limited by the Said acts, whereby such clerks, apprentices, or servants, and their masters or mistresses respectively, had incurred, and might be subject to several penalties, forfeitures, and disabilities, it is therefore enacted, That upon payment of the several rates and duties so omitted or neglected to be paid as aforesaid, on or before the first day of August, one thousand seven hundred and forty five, and tendering to be stamped such indentures or contracts so omitted to be stamped at the same time, or at any time before the twen y ninth day of September, one thousand seven hundred and forty five, the same indentures or contracts should be good and available in law and equity, and riight be given in evidence; and the clerks, apprentices, or fervants therein named, should be capable of following and exercising their respective intended trades and employments, as fully as if the rates and duties so omitted, had been daily paid within the respective times in the said former acts limited and appointed, and the persons who had incurred any penalties by the omissions aforesaid, upon payment of such rates and duties as aforesaid, within the time thereby before limited, were thereby acquitted and discharged from the said penalties: and it was thereby further enacted, That after the twenty fourth day of June, one thousand seven hundred and forty five, if any master or mistress should neglect to pay the said rates and auties for clerks, apprentices, or servants, within the respective times, in and by the former atts limited and appointed in that behalf, according to the true intent and meaning of the same; every such master



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and mistress should, for every such neglect, forfeit and pay double the rates and duties charged and directed to be paid and levied by the said former acts, or either of them (over and above all penalties and forfeitures thereby inflicted) for all monies which should, at any time or times, after the faid twenty fourth day of June, one thousand Seven hundred and forty five, be given, paid, contracted, or agreed for, with, or in relation to every such clerk, apprentice, or servant, to be recovered, paid, and applied, in such manner as is therein mentioned: and it was thereby further enacted, That if any master or mistress of any such clerk, apprentice, or servant respectively, should neglect to pay the said rates and duties so charged by the said former acts, or either of them, within the respective times therein limited in that behalf, whereby the penalties and forfeitures incurred by the faid act of the eighteenth year of his present Majesty, would become charged upon, and be payable by them respectively; and any such clerk, apprentice, or servant respectively, should in that case pay or cause to be paid the rates and duties charged by the said former acts, or either of them, and also the penalties and forfeitures inflicted and incurred by the said act of the eighteenth year of his present Majesty, at any time within one year after the same should so respectively become charged, incurred, and made payable by virtue of the same act, as aforesaid (such masters or mistresses not having then paid the said rates, duties, penalties, and forfeitures respectively, although required by fuch clerk, apprentice, or servant so to do) then, and in such case, it should and might be lawful to and for any such clerk, apprentice, or servant, within three months after such payment of the said rates, duties, penalties, and forfeitures respectively by him, her, or them as aforesaid, to demand of his or her master or mistress, or his, her, or their executors or administrators, such sum or sums of money, as was or were paid to such moster or mistress, for or in respect of such clerkship, apprenticeship, or servitude; and in case fuch sum or sums of money should not be paid within three months after such demand thereof made, it should and might be lawful to and for such clerk, apprentice, or servant, to sue for and recover the same, with full offis of suit, against such master or mistress, his, her, or their executors or administrators, by aftion of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, wager at law, or more than one imparlance, should be allowed; and every such clerk, apprentice, or servant, should and might, immediately after payment of such rates, duties, penalties, and forfeitures as aforesaid, be discharged from his, her, or their elerkship, apprenticeship, and service respectively, and from all actions, penalties, forfeitures, and damages, for not serving the time for which he, she, or they were respectively bound, contracted for, or agreed to serve such master or mistress respectively: and it was thereby further enacted and deciared, That every such clerk, apprentice, or servant, should avail him or herself, and have such and the same benefit and advantage of the time he or she should respectively have continued with, and served fuch master or mistress respectively, as he or she could or might have done, an case of any assignment or turning over to any new or other L 3 mafter

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Further time given for payment of duties paid for the indentures of clerks and ap-&c.

Penalties incurred by omiffions difcharged upon payment of

Upon payment of doucontracts to be stamped within 2 years after the end ticeship, &c.

the contracts to be good, &c.

master or mistress ! and whereas several masters and mistresses do still frequently neglect and omit to pay the faid several rates and duties payable in that behalf, whereby they have rendered themselves and their respective clerks, apprentices, and servants, subject and liable to several penaltics, forfeitures, and disabilities: now, for preventing the faid inconveniencies, and for the better enforcing the payment of the said rates and duties for the future, be it enacted omitted to be by the authority aforesaid, That if any master or mistress, who at any time heretofore shall have neglected to pay the said rates and duties for clerks, apprentices, or servants, shall, on or before the twenty ninth day of September, one thousand seven hunon payment of dred and forty seven, pay the double rates and duties, directed double duties, to be forfeited and paid by the said act of the said eighteenth year of the reign of his present Majesty, unto the person or persons to whom the same ought to be paid pursuant to the same act, and shall tender to be stamped such indentures or contracts fo omitted to be stamped, at the same time, or at any time before the twenty fifth day of December, one thousand seven hundred and forty seven; then, and in such case, the same indentures and contracts shall be good and available in law and equity, and may be given in evidence in any court whatfoever; and the clerks, apprentices, or servants therein named, shall be capable of following and exercifing their respective intended trades or employments, as fully as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or either of them, limited and appointed; and all and every person and persons, who shall have incurred any penalties by the omissions aforesaid, upon payment of such double rates and duties as aforesaid, within the time before limited, are hereby acquitted and discharged from the said penalties; any double duties. thing in the said two former acts, or either of them, contained to the contrary notwithstanding.

V. And it is hereby further enacted, That from and after the twenty fourth day of June, one thousand seven hundred and ble duties and forty seven, if any master or mistress, who, by reason of such tender of the neglect as aforetaid, shall become liable to forfeit and pay the faid double rates and duties as aforefaid, shall respectively pay the faid double rat s and duties unto the person or persons to whom the same ought to be paid in pursuance of the said forof the appren- mer acts, and also tender the indentures or contracts to be stamped at any time within two years after the end or determination of the apprenticeship or service of any such clerk, apprentice, or servant respectively, and before any suit or prosecution shall have been commenced for recovering any of the penalties and forfeitures inflicted and incurred by the faid former acts, or any of them, then, and in such case, the indentures or contracts of such clerk, apprentice, or servant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatfoever; and the clerks, apprentices, or fervants therein named, shall be capable of following and exercifing their respective intended trades or employments, as fully

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as if the rates and duties so omitted, had been duly paid within the respective times in the said former acts, or any of them, limited or appointed; and all and every person and persons, Penalties inwho shall have incurred any penalties by the omissions afore- curred for faid, upon payment of such double rates and duties as aforesaid, charged upon within the respectives times herein last before limited in that be- payment of half, shall be, and they are hereby acquitted and discharged of double duties. and from the said penalties and forfeitures; any thing in the faid former acts, or any of them, contained to the contrary not-

withitanding. VI. And it is hereby further enacted, That if any master or Apprentices, mistress shall, by reason of any such neglect as aforesaid, be- &c. paying the double come liable to forfeit and pay such double rates and duties as duties forfeitaforesaid, and any such clerk, apprentice, or servant respectively, ed by their shall and do, at any time after such forfeiture incurred, either masters, &c. in the presence of one or more credible witness or witnesses, or by writing under the hand of fuch clerk, apprentice, or fervant respectively, signed in the presence of one or more credible witness or witnesses, require his or her master or mistress respectively to pay the faid double rates or duties so incurred as aforefaid, and fuch master or mistress shall not, within three months after such request, pay the same, and any such clerk, apprentice, or fervant shall, at any time within two years after the determination of his clerkship, apprenticeship, or servitude, pay the said double rates and duties so forfeited and incurred, and not paid by his or her master or mistress respectively as aforefaid, then, and in such case, it shall and may be lawful to and for any such clerk, apprentice, or servant, within three months after fuch payment of the faid double rates and duties by him, her, or them, as aforesaid, to demand of his or her master or to be reimmistress, or his, her, or their executors or administrators, double bursed double the sum or sums of money, or other consideration respectively the sum paid given, paid, and agreed, or contracted to be paid to such master such apprenor mistress, for or in respect of such clerkship, apprenticeship, ticeship, &c. or servitude; and in case such sum or sums of money shall not be paid within three months after such demand thereof made, it shall and may be lawful to and for any such clerk, apprentice, or servant, to sue for and recover the same, with full costs of with costs; fuit, against such master or mistress, his, her, or their executors or administrators, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, wherein no essoin, protection, or wager of law, or more than one imparlance, shall be allowed; and every such clerk, appren- and be distice, or servant, so paying such double rates or duties as afore- charged from faid, shall and may, immediately after payment thereof respect their apprentively, and upon fignifying, by writing under his or her hand, ticeship if they that he or she desires to be discharged from his, her, or their clerkship, apprenticeship, and service respectively, shall be accordingly discharged from the same respectively, and from all actions, penalties, forfeitures, and damages, for not ferving the time for which he, she, or they were respectively bound,

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contracted for agreed to ferve such master or mistress respec-

and to have the same benefit of their fervice, as if they had been turned over.

tixely. V.II. Provided always, and it is hereby further enacted and declared, That every fuch clerk, apprentice, or servant, shall avail him or herfelf, and have such and the same benefit and advantage of the time he or the thall respectively have continued with and served such master or mistress respectively, as he or she could or might have done, in case of any assignment or turning

over to any new or other master or mistress.

Apprentices paying the double rates where profecutions are commenced against their matters,

VIII. Provided always, That in case where any prosecution shall be commenced against any master or mistress, for recovering any of the penalties and forfeitures inflicted and incurred by the faid former acts, or any of them, the clerk, apprentice, or servant of such master or mistress respectively shall pay such double rates and duties, at any time within two years after the end of his, her, or their clerkship, apprenticeship, or servitude, and every fuch clerk, apprentice, or fervant respectively, shall, upon payment of such double rates and duties as aforesaid, be to be qualified capable and qualified to follow and exercise his, her, and their respective trades and employments; and the indentures or contracts of fuch clerk, apprentice, and fervant respectively, shall be good and available in law and equity, and may be given in evidence in any court whatfoever; any thing in this or the faid former acts, or any of them, contained to the contrary notwith-Itanding.

to follow their trades, &c.

Prize ships to be deemed as British built.

IX. And whereas it is reasonable and fit, that prize ships or ves-Jels, lawfully condemned, should be deemed as British built ships or vessels, to all intents and purposes, be it therefore enacted by the authority aforesaid, That all prize ships or vessels, which have been at any time, or shall be legally condemned, shall, to all intents and purposes whatsoever, be considered as British built ships or vessels, and be deemed and taken as such, and shall be intitled to have and enjoy all and every the same rights, liberties, privileges, and advantages in all respects whatsoever with British built ships or vessels, and shall be subject and liable to all and every the rules and regulations, that British built ships or vessels are subject and liable to; any law, custom, or usage to the contrary thereof in any wife notwithstanding.

X. And whereas his Majesty's ships of war and privateers have, during the present war against France and Spain, taken divers goods and merchandizes from his Majesty's enemies, which have, with the privity and approbation of the commissioners, or other proper officers of the customs or excise, been landed and deposited in warehouses under his Mujesty's locks, in order to be examined to ascertain the particulars and natures of such goods, and sundry parts whereof, having upon such examination, been found unfit for the consumption of this kingdom, and most proper to be exported to foreign parts, have been declared by the captors for exportation, and in order thereto, been continued in such warehouses, under the care and inspection of the officers of the customs or excise: and whereas some doubts have arisen, whether the faid goods can be re-exported by any others but the captors,

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or in other ships than those in which they were taken and imported, or without first being entered, and paying the duties of custom or excife for the same; and which in several instances amounting to more than the profit that can be made by the captors of fuch goods, would deprive them of the whole benefit thereof; and in many instances, the re-exporting such prize goods by the captors themselves, in the ships in which they are taken and imported, would be impossible; goods taken in neutral ships, being often condemned where the ship is discharged, and would in most cases be impracticable, as the goods declared for exportation are never any thing near a sufficient cargoe to lade a ship to a foreign market, and the captors not being merchants, but seamen, have no houses abroad, and are wholly unacquainted with transactions of this nature; for remedy of which inconveniency, and for the further encouraging the making captures from the enemy, be it further enacted by the authority aforefaid, That all goods and Prize goods merchandize that have been, or shall, during the continuance landed, and of the present war with France or Spain, be taken from his Ma-put into warejesty's enemies, and landed from on board of any ship or vessel, in any port within the kingdom of Great Britain, and put into warehouses provided, or to be provided, at the sole expense of the captors, with the privity and approbation of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable, and under the King's locks, in order to be examined, to ascertain the particulars and nature of fuch goods and merchandize, and that have, or shall, from the landing thereof, continue and remain in fuch warehouses, under the care and inspection of the commissioners, or other officers of the respective duties of customs or excise, to which such goods or merchandize are liable; and upon declarathat within the space of three months after the landing thereof, tion of the have been, or shall be declared by or on the behalf of the cap-captors, of tors, to the faid commissioners or officers of the respective du-their intention ties of cul'om or excise, to which such goods or merchandize to re-ship are liable, to have been, or to be intended to be re-shipped to foreign parts, shall, and may, from time to time, and at all times hereafter, be exported directly from such warehouses to may be exforeign parts, in any ship or ships belonging to his Majesty's ported withsubjects, either by the captor or captors of such goods or mer- out paying chandizes, or by any other person or persons to whom the cap-duty. tor or captors have under such declaration for exportation as f. 8. aforesaid, sold or disposed of the same, or shall or may sell or dispose of the same, for exportation as aforesaid, without paying any duty of custom or excise for the same, the person or persons Exporter to exporting the same, giving sufficient security before the shipping give security. thereof, that the goods and merchandize that shall be intended by him or them to be exported, as aforefaid, or any part thereof, shall not be re-landed or brought again into any part or parts of Great Britain; which security the customer or collector of the port where the same is intended to be exported, is hereby directed and authorized to take in his Majesty's name, and to his Majesty's use.

CAP.

## CAP. XLVI.

An all to prevent the return of Such rebels and traitors concerned in the late rebellion, as have been, or shall be pardoned on condition of transportation; and also to binder their going into the enemies country

X7 HEREAS, during the time of the late wicked and unnatural rebellion, and fince, a great number of p rsons who had taken up arms, or were oth rwise engaged in the said rebellion, were by bis Majesty's great vigilance and care apprehended, several of whom have been tried and convicted of the said treasons, and lany conscious of their guilt, have by their petition, implored his Majesty's mercy, upon condition of their being transported to some of the British colonies and plant tions in America: and whereas his Majesty out his great clemency hath been most graciously pleased to grant his royal pardon to several of them as well those who were so tried and convicted, as those who by their petitions have acknowledged their guilt, and implored his Majesty's mercy as aforesaid, and others may hereafter be pardoned on the like application and condition: and whereas it is thought expedient for the publick Safety, that all proper means Should be taken to prevent their returning from the said co nies or plantations, or going to his Majesty's enemies; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, Rebels return. That if any person or persons to whom his Majesty has, or shall hereafter grant his most gracious pardon for the said treasons, or any of them, on condition of their being transported to some of the British colonies or plantations in America, shall, without the licence of his Majesty, his heirs or successors, under his or their privy seal or sign manual for that purpose, or some other lawful cause, return, or come into, or be at large, in any part of Great Britain or Ireland, or voluntarily go into, or continue in any part of the dominions of the French King, or the King of Spain, in Europe, America, or elsewhere, he, she, or they so returning, or coming into, or being in any part of Great Britain or Ireland, as aforesaid, or who shall voluntarily go in o, or continue in any part of the dominions of the French King, or King of Spain, shall not only have no benefit of such pardon, but shall be guilty of felony, and shall suffer death, and forfeit as in cases of felony, without benefit of clergy.

mg from transportation without licence,

or voluntarily going into France or Spain,

to fuffer death without clergy.

sons returning,

II. And be it further enacted by the authority aforefaid, That in case any person or persons whatsoever, shall knowingly aid Aiders of per- or affift any fuch person or persons so pardoned, or to be pardoned, on condition of transportation, as aforesaid, in his, her, or their unlawful returning, or coming into, or becoming or being at large in Great Britain or Ireland, or in going in o, or continuing in any of the dominions of the French King, or the King of Spain, without such licence, or other lawful cause, such person or persons so offending, shall be guilty of felony, and fuffer



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fuffer death, and forfeit as in cases of felony, without benefit of to sufferdeath, clergy.

III. And in case any person or persons so pardoned, or to be pardoned, as aforesaid, shall unlawfully go into, or continue in any of the dominions of the French King, or the King of Spain, be it further enacted by the authority aforesaid, That in such Subjects holdcase, if any of the subjects of his Majesty, his heirs or successors ing corres-(except such person or persons as shall be licensed for that pur-pondence with pose by his Majesty, his heirs or successors, under his or their rebels, going fign manual or privy feal) shall within this realm, or without, or Spain, knowingly hold, entertain, or keep, any intelligence or correspondence in person, or by letters, messages, or otherwise, with any of the faid persons who shall have so gone into, or continued in any of the dominions of the French King, or the King of Spain, or with any person or persons employed by him, her, or persons emor them, knowing such person or persons to be so employed, them, fuch person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death, and forfeit to suffer death, as in cases of felony, without benefit of clergy.

IV. And be it further enacted by the authority aforesaid, That Offences all offences made felony by this act, shall and may be enquired where to be of, examined, tried, and determined in the court of King's Bench, tried. in that part of Great Britain called England, or in the high court of justiciary in that part of Great Britain called Scotland respectively, or in any county of this realm, in such manner and form, as if the fact had been therein committed, or within any of the British colonies or plantations in America, within which any such offence shall be committed, or in any county of Ireland, in case any such offence shall be committed within that

kingdom.

V. And in order that all persons in the colonies or plantations, to which the faid offenders shall be transported, may have notice of the persons who are or shall be so pardoned and transported, be it further enacted by the authority aforesaid, That within the space of one week after any of the said persons shall Commander be transported or brought to any such colonies or plantations, of ship to dethe naval officer, or other chief officer of the customs, at the liver within a port whither they shall be brought, shall have and receive from of the persons the master or commander of the ship in which they shall be transported, to brought, a true lift, figned by fuch officer or commander, of the naval the names and additions of the persons so transported; which officer. list shall be hung, or set up in the publick custom-house of such List to be hung port, there to be feen, read, and copied by all persons, without up in the cuany fee or reward; and in case the same shall be defaced, taken stom house. away, or lost, a new list shall, from time to time, be immediately fet and kept up by fuch naval or other principal officer; and if such master or commander shall, after this act shall be published in any such colony or pl ntation, refuse or neglect to give fuch lift, or if the said naval or other officer shall refuse or neglect to put or keep up the same as above directed, or if any Persons ofperson shall voluntarily deface or take away the same, being so tending,



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the forfei.

Indictments to

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offence.

put up, kept, or renewed, or any lift put up in such customhouse of rebels transported, every person so offending, shall to forfeit 501. forfeit the fum of fifty pounds sterling for every such offence; Distribution of of which one moiety shall belong to his Majesty, his heirs and fucceffors, and the other moiety to fuch person or persons who shall sue for the same, in the colony or plantation where the offence shall be committed, or in the court of King's Bench in England, or of justiciary in Scotland, in case the offender shall be found in England or Scotland.

VI. Provided always, and it is hereby declared, That no person or persons whatsoever, shall be convicted of any offence years after the or crime made felony by this act, unless such person or persons shall be indicted for such offence or crime, within two years

next after the committing thereof.

## CAP. XLVII.

An act to continue several laws for probibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain; for preventing exactions of the occupiers of locks and wears upon the river of Thames westward, and for ascertaining the rates of water carriage upon the said river; and for the better securing the lawful trade of his Majesty's subjects to and from the East Indies; and for the more effectual preventing all bis Majesty's subjects trading thither under foreign commissions; and relating to rice, to frauds in the customs, to the clandestine running of goods, and to copper ore of the British plantations; and for the free importation of cochineal and indico; and for punishment of persons destroying turnpikes, or locks, or other works erected by authority of parliament.

WHEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of an act made in the twelfth year of the reign of his present Majesty (intituled, An 36. for prohi- act for prohibiting the importation of books reprinted abroad, and biting the im- first composed or written and printed in Great Britain; and for repealing so much of an all made in the eighth year of the reign of her late majesty Queen Anne, as impowers the limiting the prices of beoks) as relates to the prohibiting the importation of books reprinted abroad, and first composed or written and printed in Great Britain; which was to continue in force from the twenty continued till ninth day of September, one thousand seven hundred and thirty 29 Sept. 1754 nine, for and during the space of seven years, and from thence Farther conti- to the end of the then next session of parliament; shall be, and

12 Geo. s. c. portation of books, &c.

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the fame is hereby further continued from the expiration thereof mued by 27 Geountil the twenty ninth day of September, one thousand seven 2. C. 18. hundred and fifty four, and from thence to the end of the then next fession of parliament.

II. And be it further enacted by the authority aforesaid, That 3Geo. 2. c. 11. an act made in the third year of the reign of his present Ma- for preventing jesty, intituled, An act for reviving and amending an act made in exactions of the fixth and seventh years of the reign of his late majesty King Wil- of locks and liam the Third, intituled, An act to prevent exactions of the oc- wears upon cupiers of locks and wears upon the river of Thames westward, the Thames, and for ascertaining the rates of water carriage upon the said 6 W. 3 c. 16. river; which was to continue in force from the first day of May, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next session of parliament; and which, by another act made in the thirteenth 13 Geo. 2. year of the reign of his present Majesty, for continuing several c. 8. laws therein mentioned, was further continued from the expiration thereof until the first day of June, which shall be in the Continued till year of our Lord one thousand seven hundred and forty seven, I June, 1749. shall be, and the same is hereby further continued from the EXP. expiration thereof until the first day of June, one thousand se- See 24 Geo. 2. ven hundred and forty nine.

III. And be it further enacted by the authority aforefaid, Geo. 2. C. 29. That an act made in the fifth year of the reign of his present for securing Majesty, intituled, An all for reviving an all made in the fifth the trade to year of the reign of his late majesty King George the First, intituled, the East In-An act for the better securing the lawful trade of his Majesty's 5Geo. 1. c 21. subjects to and from the East Indies, and for the more effectual preventing all his Majesty's subjects trading thither under foreign commissions; which was to continue in force from the first day of May, one thousand seven hundred and thirty two, for the term of feven years, and from thence to the end of the then next 13Geo.2.c 18. fession of parliament; and which was, by an act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, further continued from the expiration thereof till the first day of June, one thousand feven hundred and forty seven; shall be, and the same is here- Continued till by further continued from the expiration thereof until the twenty 25 March, fifth day of March, one thousand seven hundred and eighty.

IV. And be it further enacted by the authority aforesaid, 3 Geo. 2 C. 28. That an act made in the third year of the reign of his present for importing Majesty, intituled, An all for granting liberty to carry rice from of rice from his Majesty's province of Carolina in America, directly to any part Carolina, &c. of Europe, Southward of Cape Finisterre, in Ships built in and belonging to Great Britain, and navigated according to law; which was to be in force for five years, from the twenty ninth day of September, one thousand seven hundred and thirty, and from thence to the end of the next session of parliament; and also an act made in the eighth year of the reign of his present Majesty, 8 Geo. 2. c. 19. to continue the faid act, from the expiration thereof, unt'l the twenty ninth day of Sept mber, one thousand seven hundred

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and forty two, and from thence to the end of the then next felfion of parliament, and to extend that liberty to his Majesty's province of Georgia in America (which faid acts were by an act made in the fifteenth and fixteenth year of the reign of his pre-35Geo. 2. C. 33. sent Majesty, continued, from the expiration thereof, until the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parlia-Continued till ment) shall be, and the same are hereby further continued, from the expiration thereof, until the first day of June, one thousand

> feven hundred and fifty four, and from thence to the end of the then next fession of parliament.

nued by 26 Geo. 2. C. 32. Clauses in 5 Geo. 1. C 11. for preventing

running of

goods, &c.

1 June, 1754.

Farther conts-

V. And be it further enacted by the authority aforesaid, That the several clauses in an act made in the fifth year of the reign of his late Majesty, intituled, An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs, relating to such foreign goods, wares, and merchandizes, as shall be taken in at sea, out of any ship or vessel, in order to be landed, or put into any other ship, vessel, or boat; and also relating to goods not reported, and found after clearing thips; and whereby further remedies are provided against re-landing goods, prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the feas; and also relating to the opening or altering the package of goods, on board ships out-ward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vesfels, not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to Ireland; which faid several clauses were to have continuance for the term of three years, from the several times of the commencement thereof, and from thence to the end of the then next session of 9 Geo. 1. c. 8. parliament respectively; and by another act passed in the ninth year of his faid late Majesty's reign, were continued, from the expiration of the several and respective terms therein mentioned, for the term of five years, and from thence to the end of the then next fession of parliament; and which said clauses by an act made in the second year of the reign of his present Majefty, were further continued until the twenty ninth day of September, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which said clauses by another act made in the eighth year of the reign of his present Majesty, were further continued, from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and forty two, and from thence to 35Geo.2. c 33. the end of the then next session of parliament; and which said Continued till clauses by another act made in the fifteenth and fixteenth year of the reign of his pretent Majesty, were further continued, from the expiration thereof, until the first day of June, one thousand feven hundred and forty feven, and from thence to the end of the then next session of parliament, shall be, and are hereby further

2Geo.2. C.28.

y June, 1754. Farther contsnued by 27 Geo. 3. C. 18.

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continued from the expiration thereof, until the said first day of June, one thousand seven hundred and fifty four, and from thence to the end of the then next fession of parliament.

VI. And be it further enacted by the authority aforesaid, 8Geo. 1. c. 18. That an act made in the eighth year of the reign of his late for preventing Majesty, intituled, An act to prevent the clandestine running of running of goods, and the danger of infection thereby; and to prevent ships goods, &c. breaking their quarentine; and to Subject copper ore, of the production of the British plantations, to such regulations, as other enumerated commodities of the like production are subject; which was to be in force for two years, from the twenty fifth day of March, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; which act (except the clause obliging all ships or vessels to perform quarentine) was by an act made in the eleventh year of his late Maje- 11Geo.1. C.29. fty's reign, further continued, from the expiration thereof, for three years, and from thence to the end of the then next session of parliament; and which by another act (except the clause obliging all ships or vessels to perform quarentine) made in the 2 Geo. 2. c. 28. fecond year of the reign of his present Majesty, was further continued, from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and thirty four, and from thence to the end of the then next session of parliament; and which act (except the clause obliging all ships or vessels to perform quarentine) was by another act made in the eighth year 8Geo 2. C.21. of the reign of his present Majesty, further continued, from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament; and which said act (except so much of the same act as relates to ships or vessels performing quarentine) was by another act made in the fifteenth and fixteenth year of the reign of his present Majesty, further 15Geo. 2. C. 33. continued, from the expiration thereof, until the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament, shall Continued till be (except so much of the same act as relates to ships or vessels I June, 1747. performing quarentine) and the same is hereby further continued 33. f. 3. from the expiration thereof, until the said first day of June, one Farther contithousand seven hundred and forty seven, and from thence to the nued by 27 Geo.

end of the then next lellion of parliament. VII. And be it further enacted by the authority aforesaid, 7 Geo. 2. C. 18. Thatean act made in the seventh year of the reign of his pre- for the free fent Majesty, intituled, An act for the revival of an act made in importing of the thirteenth year of the reign of his late majesty King George the cochineal and First, intituled, An act for the free importation of cochineal 13Geo.1.c.25. during the time therein limited, and also for the free importation of indico; which was to continue in force from the twenty fourth day of June, one thousand seven hundred and thirty four, for the term of feven years, and from thence to the end of the then next session of parliament; and which, by another act made in 14Geo.z.c.34. the fourteenth year of the reign of his present Majesty, was further



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continued from the expiration thereof, until the first day of Continued till June, one thousand seven hundred and forty seven, and from I June 1754, thence to the end of the then next session of parliament, shall Farther contibe and is hereby further continued from the expiration thereof, nued by 27 until the said first day of June, one thousand seven hundred and Geo. 2. c. 18. fifty four, and from thence to the end of the then next session

of parliament.

by 27 Geo. 2.

c. 16.

VIII. And be it further enacted by the authority aforesaid, That an act made in the fifth year of the reign of his present 5Geo. 2. C.33. Majesty, intituled, An act to explain, amend, and render more effor punishing feetual an aet passed in the first year of his present Majesty's reign, hall pull down intituled, An act for punishing such persons as shall wilfully and turnpikes, &c. maliciously pull down and destroy turnpikes for repairing highways, or locks, or other works erected by authority of parliament for making rivers navigable; and also an act made in the

8 Geo. 2. c. 20. eighth year of the reign of his present Majesty, intituled, An act for rendering the laws more effectual, for punishing such persons as shall wilfully and maliciously pull down or destroy turnpikes for repairing highways, or locks or other works erected by act of parliament for making rivers navigable; and for other purposes therein mentioned;

15Geo.2.c.33. which faid acts expired, and were afterwards, by an act made in the fifteenth and fixteenth year of his present Majesty's reign, revived, and were to be in force for the purposes therein men-Continued till tioned, from the first day of June, one thousand seven hundred Made perpetual hundred and forty feven thell be and are harely forth forty for hundred and forty seven, shall be and are hereby further continued from the expiration thereof, until the said first day of June, one thousand seven hundred and fifty four, and from thence to the

end of the then next session of parliament,

## CAP. XLVIII.

An act to indemnify persons who have omitted to qualify themselves for offices and promotions within the time limited by law; and for allowing further time for that purpose. EXP.

Time given to 1 Dec. 1747.

## CAP. XLIX.

An att for declaring valid such atts as have been done by Thomas Paulin, as one of the principal land coal-meters of the city and liberty of Westminster, between the twenty ninth day of September last and the eighth day of November following.

Sep-

THEREAS by an act of parliament passed the last session, intituled, An act more effectually to prevent the frauds and 19Geo.2. C.35. abuses committed in the admeasurement of coals within the city and liberty of Westminster, and that part of the dutchy of Lancaster adjoining thereto, and the several parishes of Saint Giles in the Fields, Saint Mary le Bon, and such part of the parish of Saint Andrew Holborn, as lies in the county of Middlefex, it was among t other things, enacted, That from and after the twenty fourth day of



# 1747.] Anno vicesimo Georgii II. C. 49.

September, one thousand seven hundred and forty six, there should be and continue within the city and liberty of Westminster, one publick office, which shall be called by the name of The land coal-meters office for the city and liberty of Westminster: which said office should, from time to time be managed by two persons, to be nominated and appointed by his Majesty, his heirs and successors; which said two persons so to be nominated and appointed, should be called and known by the name of The principal land coal-meters for the city and liberty of Westminster: and it was further enacted by the said act, That no person or persons should be capable of acting as one of the principal land coal-meters, until he or they should take an oath for the true and faithful execution of the office of one of the principal land coal-meters for the city and liberty of Westminster, and other places aforesaid, as in and by the said act is declared: and it was further enacted, That it should be lawful to and for the said principal land coal-meters, or any one or more of them, to appoint a number of persons to be labouring coal-meters within the said city and liberty of Westminster, and other places aforesaid, to be stationed by the principal land coal-meters, at the several places and times in the said att for that purpose mentioned, to measure out coals, which shall, from time to time, be fold at any of the wharfs or warehouses where fuch labouring coal-meters shall be so stationed: and it was further enacted, That no person or persons should be capable of acting as one of the labouring coal-meters, to be appointed as aforesaid, until he or they should take an oath for the true and lawful execution of tie office of one of the labouring coal-meters for the said city and liberty of Westminster, and other places aforesaid, as in and by the said act is expressed and declared: and whereas his Majesty, on or before the eighteenth day of September, one thousand seven hundred and forty fix, did appoint Thomas Paulin merchant, and William Arnold fishmonger, to be principal coal-meters for the city and liberty of Westminster aforesaid, and afterwards, by his grant or letters patent, under the great seal of Great Britain, bearing date the eighth day of November, one thousand seven hundred and forty six, reciting the faid act of parliament herein before recited, did grant unto Thomas Paulin and William Arnold the faid coal-meters office for the city and liberty of Westminster, to have and to hold the fuid office unto them the faid Thomas Paulin and William Arnold jointly and Severali,, together with all powers, privileges, advantages, and emoisments thereunto belonging, and as are granted in and by the faid recited att of parliament, for and during his Majesty's roya! will and pleasure : and whereas the faid Thomas Paulin, soon after his being nominated and appointed by his Majesty to be one of the principal land coal-meters for the city and liberty of Westminster aforesaid, to wit, the twenty fixth day of September, one thousand seven hundred and forty fix (which was before his Majefty's grant had paffed the great feal) took the oath required by the faid all of parliament, for the true execution of the said office; and upon the twenty ninth day of the faid month of September, one thousand seven hundred and forty fix, entered upon the said office, and put the said act of parliament in execution, as one of the principal land coal-meters for the faid city and liberty of Westminster: and whereas it may be doubted, whe-VOL. XIX.



#### Anno vicesimo GEORGII II. C. 50. 1747.

ther the acts done by the said Thomas Paulin, between the said twenty ninth day of September and the said eighth day of November (on which last mentioned day his Majesty's said letters patent bear date) can be justified by the strict rules of the common law; therefore, for obviating the said doubt, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That all and every act, matter, or thing, done or committed by the Mr. Paulin as faid Thomas Paulin, as one of the principal land coal-meters of the city and liberty of Westminster, between the said twenty ninth day of September and the faid eighth day of November following, according to the purport of the faid act, in his duty and office of a principal land coal-meter of the faid city and liberty declared valid. of Westminster, shall be deemed, and are hereby declared to be good and valid acts; and all actions, fuits, profecutions, and molestations whatsoever, if any there be against the said Thomas Paulin, for or by reason of any such act, matter, or thing by him done as aforefaid, are and shall be discharged and made void by this present act; and if any action or suit hereby discharged, or intended to be discharged, shall be commenced or prosecuted, General issue. the said Thomas Paulin may plead the general issue, and give this act and the special matter in evidence; and if the plaintiff shall become nonfuit, or forbear further profecution, or fuffer difcontinuance, or if a verdict pass against him, the said Thomas Paulin shall recover his double costs, for which he shall have the like remedy as in cases where costs by law are given to defendants.

Acts done by

principal

coal meter, between 29

Sept. and 8

Nov. 1746.

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Double cofts.

#### CAP. L.

An act for taking away the tenure of ward bolding in Scotland, and for converting the same into blanch and feu boldings; and for regulating the casualty of non-entry in certain cases; and for taking away the casualties of single and life-rent escheats, incurred there by borning and denunciation for civil causes; and for giving to beirs and successors there a summary process against superiors; and for discharging the attendance of vassals at head courts there; and for ascertaining the services of tenants there; and for allowing beirs of tailzie there to sell lands to the crown for erecting buildings, and making settlements in the bigblands.

WHEREAS it hath been found by experience, that the tenure of lands in that part of Great Britain called Scotland, by ward holding, and the configuences of the fame, being the cafualties of ward marriage and recognition, have been much more burthensome, grievous, and prejudicial to the vallais proprietors of the lands held by that tenure, than they have been beneficial to the Sup. riers; be it therefore enacted by the King's most excellent Majesty, by and with the advice and confent of the lords spiritual and temporal,



#### Anno vicelimo Georgei II. c. 50. 1747.

and commons, in this present parliament assembled, and by the authority of the fame, That the tenure of lands or heretages in Tenure of Sextland by ward holding, whether simple or taxed ward, and ward holding the casualties consequent upon the same by ward marriage and taking away; recognition, be taken away and discharged, and they are hereby taken away and discharged, from and after the twenty fifth day of March, in the year of our Lord one thousand seven hundred and forty eight; any law, flatute, custom, or ulage to the con-

trary hereof in any wife notwithstanding.

II. And be it enacted, That all tenures of any lands or he-converted into tetages in Scotland, that are now held, or liable to be held of his blanch hold-Majesty by ward holding, whether simple or taxed ward, are ing. hereby enacted to be turned into blanch holding, for payment of one penny Scots at the feast or term of Whitfunday yearly, fi petatur tantum, and as often as such lands or heretages shall fall in non-entry, the fame shall be no longer subject or liable to the annual payment of the new extent or retour duty of fuch lands or heretages, but instead thereof shall be subject and liable to the annual payment of the fum of one pound Scots, for every one hundred pounds Scots, of the valued rent of fuch lands or heretages, according to which they are now liable to pay their respective proportions of his Majesty's cess or land tax; and so proportionably for any lesser quantity than one hundred pounds Scots valuation.

III. And in order to ascertain the Quantum of such non-en-Forregulating try duty, it is hereby enacted, That from and after the faid twen- the calualty of ty fifth day of March, in all fervices upon the brief of mortan-non-entry. ceftry of any heir or heirs in fuch lands or heretages as aforefaid, the retour, over and above the fetting forth the old and new extent of the lands, in such manner as hath been heretofore practifed, shall further set forth and express the valuation of fuch lands and heretages as aforefaid, and the proportion above mentioned of such valuation, and no more shall be the non-entry duty of such lands or heretages, preceding the citation in the general declarator of non-entry.

IV. And be it further enacted, That all tenures of any lands Tenure of or heretages in Scatland, that are now held, or liable to be held ward holding ward of any subject superior, whether simple or taxed ward, are held of superiors converthereby enacted to be turned into feu holding, for payment of a ed into feu certain rent or feu duty in money, victual, cattle, or otherwise, holding. yearly, in place of the faid casualties of ward holding hereby discharged, and of all fervices, and shall be so construed, adjudged, and deemed to be, from the said twenty fifth day of March, and

for ever thereafter. V. And in order to ascertain the Quantum of the feu duty to Court of selbe paid yearly, after the said twenty fifth day of March, by sion to tettle the tenants or vassals of the said lands and heretages heretofore the recomheld ward to the superiors thereof, be it further enacted by the pense, authority aforesaid, That it shall and may be lawful for the court of Session in Scotland, and they are hereby impowered and required to take into their consideration, the difference in value to the vaffals of the change of their holdings or tenures from ward

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to feu hereby enacted, and what constant annual rent or feu duty, payable to the superior, will be a reasonable satisfaction or recompence for that value or difference, and thereupon to make and publish an act of Sederunt, which shall be in force, and obferved by all the subjects in that part of the kingdom, unless or until the same shall be altered by a future act of parliament; and according to the rules prescribed in such act of Sederunt, it shall and may be lawful for all and every the superiors and vassals, or parties interested, to settle and adjust betwixt themselves the feu duties to be hereafter payable in place of the tenures hereby abolished or altered; and in case of difference arising, it shall and may be lawful for the said court of session, upon application made to them, by bill or petition, on behalf of or by any subject fuperior of fuch lands or heretages, or by the vassals or proprietors thereof, summarily to determine the Quantum of the said annual feu duty, such as the court shall judge to be a reasonable and equitable recompence to the superior, for the change of the holding hereby enacted, after having heard both parties, or fummoned the party called as defender, upon twenty one days notice; and whatever annual payment the faid court of session shall so modify, shall be the feu duty payable for such lands and heretages as aforesaid, to the respective superiors thereof, and all and fingular their heirs and successors, and that yearly at IVhit-

dification made.

be modified. VI. Provided always, That until such modification shall be forfeit for feu made by the court of session, the vassal shall not be liable to induties till mo- cur any forfeiture or irritancy for non-payment of the feu duties; and such modification being made, shall be inserted as the feu duty payable for such lands or heretages in the future renovations of the infeftments thereof, by the present vassals, their heirs or fuccesfors.

funday, from and after the faid twenty fifth day of March, when the change of holding is hereby enacted to take place, in the same manner as if seu charters had been granted of that date to the respective vassals upon their resignation, containing such change of holding, for payment of the annual feu duties so to

Life-rented estates exonerated.

VII. Provided also, That in every case where the whole lands or estate so held ward, on the said twenty fifth day of March, shall then stand provided in life-rent to any person or persons, in fuch manner as by the laws of Scotland now in being, would be exclusive of the casualty of ward, such life-renter or life-renters during the continuance of his, her, or their rights respectively, shall not be subject to pay the annual feu duties to be modified as aforesaid; and the same during the sublistence of fuch life-rent rights, shall be suspended, and shall commence and become payable to the superior at the nirst term of Whit sunday after the determination of such life-rent right; and in every case where such life-rent right is not total of the whole estate, the entire feu duty so to be modified, shall, during the subfiftence of fuch life-rent right, be payable to the superior by the

#### Anno vicesimo GEORGII II. C. 50. 1747.]

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fiar or proprietor, out of such parts of the lands or estate as shall not be life-rented.

VIII. Provided also, That the infeftments now standing in Insestments of the persons of any vastal in Scotland, holding their lands or other vastils holdheretages ward, shall remain good and valid, to all intents and inglands inpurposes whatsoever, so long as the persons now infest shall re- ward contain the same, or not be denuded thereof; and they shall not- firmed. withstanding, by virtue of this present act, be no longer subjected to the cafualties hereby discharged, but shall be subject to pay the annual blanch or feu duties respectively, hereby provided to be payable in place of those casualties.

IX. And be it further enacted by the authority aforefaid, No tenure of That no tenure of any lands or heretages by ward holding, shall ward holding hereafter be created by his Majesty, his heirs or successors, or to be granted. by any other superior or proprietor of lands, or other heretages

X. And whereas there are certain lands in Scotland held by the Tenure of Feu renure of Feu cum Maritagio, or with clauses de non alienando cum Maritagio, fine consensu Superiorum; it is also hereby enacted by the au- &c. taken athority aforesaid, That in all time coming, from and after the way. faid twenty fifth day of March, the casualty of marriage consequent upon such holding, and all such prohibitory clauses restraining the power of alienation, be taken away and discharged; and it shall and may be lawful in like manner as is herein before directed in the case of ward holding, for the respective subject superiors, or vassals in lands or heretages that are held Feu cum Maritagio, or with such prohibitory clauses as aforesaid, Court of selto apply to the court of fession to modify such additional feu fion to modify duty by the vassal, as they shall judge a reasonable recompence the recom-

clauses as aforesaid, hereby taken away and discharged.

in Scotland.

to the superior, for such casualty of marriage or prohibitory pence. XI. And whereas the casualties of single and life-rent escheat, consequent upon the process competent by the law of Scotland, for recovering payment of civil deb's, or performance of obligations, have, by experience, been found highly rigorous, and liable to be abused; be it therefore enacted by the authority aforefaid, That from and Cafualties of after the faid twenty fifth day of March, the casualties of single life-rent esescheat, heretofore incurred by horning and denunciation of the cheats incurdebtor in any civil debt or obligation, and of life-rent escheat, jed by hornheretofore incurred by such debtor so denounced, continuing ing and defor a year and day unreftored or unrelaxed, be, and the same forcivil causes are hereby taken away and discharged for ever; and that from taken away.

and after the faid twenty fifth day of March, no fingle escheat or

usage to the contrary hereof in any wife notwithstanding. . XII. And whereas the methods of procuring entry by heirs, or fingular successors or purchasers of lands in Scotland, that are held of Subject superiors, beretofore practised, are tedious and expensive; be Heirs to, or it therefore enacted by the authority aforesaid, That from and purchasers of, after the said twenty fifth day of March, it shall and may be law-lands, to ap-

life-rent escheat shall become forfeited, or be consequent upon any fuch process as is before mentioned; any law, custom, or

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of horning to charge the lunew inteftmant.

ply for letters ful and competent for any person, who shall be duly served and retoured heir to any of his predecessors in any lands or hereperior to grant tages in Scotland, and to any person who shall purchase or acquire such lands or heretages from the former proprietor or vasfal, who was duly vested and seized therein, and who shall obtain from such vendor or former proprietor, a disposition or conveyance, containing a procuratory of refignation in favour of fuch purchaser or disponee, to apply to the ordinary on the bills in the court of session for the time being, praying a warrand for letters of horning, to charge the superior, of whom such lands or heretages were respectively held, to receive or grant new infeftment to such heir or purchaser respectively; and upon production to the lords of session of a special retour of the petitioner or party so applying in any such lands or heretages, or upon production of a disposition or conveyance, bearing a procuratory of refignation in favour of fuch petitioner, it shall and may be lawful for the said lords of session, and they are hereby authorized and required to grant warrand for letters of horning, upon fifteen days, to charge the superior or superiors in the lands contained in such special retour, or procuratory of resignation, to receive or grant new infeftment to fuch heir, purchaser, or disponee respectively.

XIII. Provided always, That no superior shall be obliged to give obedience to such charge, unless the charger at the same time shall pay or tender to him such fees or casualties as he is by law intitled to receive, upon the entry of such heir or purchaser; and that it shall and may be lawful for every such superior to shew cause why he ought not to be compelled to give obedience to such charge, by offering a bill of suspension in the

usual manner to the court of session.

XIV. And whereas it hash been and may be found necessary for the publick service, to erect buillings, and make settlements in certain places in the highlands of Scotland, and in purchasing the land upon which such buildings are or may be erected, and settlements made, a difficulty may arise by reason of the same being part of a tailzied estate; be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any person who is seized in, or possessed zie allowed to of, a tailzed estate in Scotland, to sell, dispone, or resign, ad perpetuam remanentiam, any part thereof, which his Majesty, his heirs and successors shall think fit to purchase, for eresting of buildings, or making settlements within the same; any law, charter, tailzie, or other act or deed to the contrary not withstanding.

Purchase mo-

applied.

Heirs of tail-

fell lands to the crown.

Fees to be paid to the

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XV. Provided always, That the monies paid as the price of ney how to be of fuch land, being part of a tailzied estate, shall be laid out, and fettled to the same uses, and with the same limitations and restrictions, as such land was settled before such sale thereof as an foresaid, or applied for payment of the debts, if any such there be, of the maker of the intail, or other debts that are effectual burdens on the tailzied estate, not being contracted by such vendor himself; and for that purpose, the said money shall be paid into



#### Anno vicesimo Georgii II. c. 50. 1747.]

into the hands of such trustees, who shall for that purpose be appointed by his Majesty, his heirs or successors, by sign manual, and the vendors; which payments shall be good discharges to his Majesty, his heirs or successors, of and from such purchasemoney; and fuch truitees, and the furvivor and furvivors of them, and the executors and administrators of such survivor, shall lay out the same in the purchase of other lands, and settle, and procure to be fettled the same, or applied for payment of debts on the same estate, in the manner herein before directed.

XVI. And whereas the enfranchifing of vassals of subject superiors, by causing them to become immediate vassals of the crown, is a matter of publick benefit which ought to be encouraged; be it therefore enacted by the authority aforesaid, That it shall and may be law- Possessors of ful for any person seised in, or possessed of a tailzied estate in tailzied estates Scotland, comprehending lands or superiorities of vassals, under impowered to or holding of him, to fell to fuch vassals, or any of them, the riorities. superiorities over their respective lands, at such prices as the parties shall agree for, and thereupon to resign such lands for new infeftment, to be granted to fuch buyer of his own superiority, which shall be good and valid; any law, charter, tailzie,

or other act or deed to the contrary notwithstanding.

XVII. Provided always, That the monies paid as the price Purchase moof fuch superiority or superiorities, being part of a tailzied e- ney how to be state, shall be laid out and settled to the same uses, and with applied. the same limitations and restrictions, as such superiority was settled before the sale thereof as aforesaid, or applied for payment of the debts, if any such there be, of the maker of the intail, or other debts that are effectual burdens on the tailzied estate, not contracted by such vendor himself, and for that purpose the monies shall be paid into the hands of trustees, who shall be appointed by the vendor of such superiority or superiorities, and the purchaser or purchasers thereof respectively; and fuch truftees, and the furvivor and furvivors of them, and the executors and administrators of such survivor, shall lay out the monies arising from such tale, in the purchase of other lands or heretages, and fettle, or procure the same to be settled as aforefaid, or fuch monies to be applied for payment of debts on the tailzied estate, in the manner herein before directed.

XVIII. And whereas the ancient usage of the vassals of the King, and other subject superiors, being obliged to give suit and presence, or to appear at head courts at certain times of the year, has of a long time been eseles, and therefore ought not to be continued; be it therefore enacted by the authority aforesaid, That from and after the said Vassals distwenty fith day of March, no proprietor of lands in Scotland, attending at holding of the King, or of any subject superior, shall be obliged head courts, to attend, appear and give fuit and presence by himself, or his procurator, at any head court, or be liable to any fine or penalty, for default of attendance at such head court; any law, charter, contract, custom, or usage to the contrary in any wife notwithstanding.

XIX. Provided always, That nothing herein contained shall vastals to at-M 4 exempt tend if tum-

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moned on ju exempt any proprietors of lands, being vassals of the King, or any subject superior, from attendance at any court to which he is subject, being lawfully and specially summoned for that effect, to serve as a juryman upon trials, or for any other lawful purpole whaticever.

Powers of the freeholders head court reierved.

XX. Provided also, That nothing herein contained shall derogate from the powers now competent by law, to the freeholders affembled at their Michaelmas head court, which it shall be lawful to hold, and for the freeholders to act and proceed as formerly; any thing herein contained to the contrary notwith-

itanding.

XXI. And whereas it hath been frequently practised in Scotland, to lett lands to tenants or tacksmen, reserving or expressing, over and above the certain rents and duties payable for the same, services used and wont, or services indefinitely, or other general words of the like nature, without specifying or ascertaining the same; which practice is liable to be abused, is productive of disputes between landlord and tenant, and subject to divers inconveniencies; be it therefore enacted by the authority aforesaid, That from and after the first day of July, in the year of our Lord one thousand seven hundred and vices, &c. not forty seven, no tenant or tacksman of any lands or heretages in Scotland, by virtue of any lease or tack which shall be made in writing, or by verbal agreement, tacit relocation, or otherwise, after the said first day of July, or by virtue of the prorogation of any leafe or tack made before the first day of July, or any assignee of any such lease or tack, shall be obliged or liable to perform any services whatsoever to his heretor or landlord, other than. fuch as shall be expressly and particularly reserved and specified, and the number and kinds thereof enumerated and ascertained in some written lease or tack, or by some agreement made in writing, and figned by the parties thereto, or some persons authorized by them; any former law or usage to the contrary notwithstanding.

from all fer mentioned in the tack, &c.

Tacksmen discharged

Services due to mills referved.

XXII. Provided always, That nothing herein contained relating to services to be performed by any tenant or tacksman, after the faid first day of July, shall extend or be construed to extend to any services by law or custom due to mills, or any matter or thing relative thereto.

# CAP. LI.

An act to enlarge the time limited by an act of the last session of parliament, for restraining the use of the bigbland dress; and to enable beirs of tailzie, guardians, tutors, curators, and trustees in Scotland, to sell lands to the crown.

19 Geo. 2. c. 39.

WHEREAS by a clause of an act made in the last session of parliament, intituled, An act for the more effectual difarming the highlands in Scotland, and for more effectually fecuring the peace of the faid highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and govern-



#### Anno vicesimo Georgii II. c. 51. 1747.]

government during the unnatural rebellion; and for indemnifying the judges, and other officers of the court of justiciary in Scotland, for not performing the northern circuit in May, one thousand seven hundred and forty six; and for obliging the masters or teachers of private schools in Scotland, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs and successors, and to register the same; it is enacted, That from and after the first day of August, one thousand seven hundred and forty seven, no man or boy, within that part of Great Britain called Scotland, other than fuch as shall be employed as officers and soldiers, in his Majesty's forces, shall, on any pretence what loever, wear or put on the clothes commonly called highland clothes; that is to fay, the plaid, philibeg, or little kilt, trowfe, shoulder belts, or any part what seever of what peculiarly belongs to the highland garb; and that no tartan, or party-coloured plaid or stuff, shall be used for great coats, or for upper coats: and whereas the provision made by the said clause is very necessary to be carried into execution, but the time thereby allowed for that purpose has been found too short: to the end therefore that a further time and opportunity may be given for paying due obedience to the said clause; be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the time appointed by the same clause for the purposes therein mentioned, as to all those who are not Further time landed men, be enlarged from the faid first day of August, till allowed for the first day of August, one thousand seven hundred and forty the use of the eight, and that from and after the faid first day of August one dress. thousand seven hundred and forty eight, the several matters and See 26 Geo. z. things provided and enacted by the faid clause be strictly ob- c. 29.

ferved, and carried into execution.

II. And whereas it may be necessary, for the preservation of the publick peace, and the further civilizing of the inhabitants of the highlands of Scotland, that land should be purchased there by his Majesty, his heirs or successors, which lands may be subject to strict tai'zie, or belong to infants, pupils, minors, ideots, lunaticks, fatuous or furious persons; be it therefore enacted by the authority aforesaid, That Tailzied eit shall and may be lawful for any person who is seised in, or states may be possessed of a tailzied estate in Scotland, or for any guardian, tutor, sold to the curator, or truftee of an infant, pupil, minor, ideot, lunatick, crown. fatuous or furious person, to sell, dispose, or resign ad perpetuan remanentiam, the whole, or any part of fuch tailzied eftate, or the estate of such infant, pupil, minor, ideot, lunatick, fatuous or furious person, which his Majesty, his heirs or suc- Power of ceffors, may think fit to purchase for the purposes aforesaid; granting which lands fo purchased shall remain in his Majesty, his heirs leases. and fuccessors, unalienable for ever; except as to the power of granting leases for seven years, with a diminution of a fifth part of the usual rent only.

III. Provided always, That in every fuch case, the monies Purchase-mo. paid as the price of such lands, shall be laid out and settled to ney how to be the same uses, and with the same limitations and restrictions, as applied.

Anno vicesimo Georgii II. c. 52. 170

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fuch lands were settled before the sale thereof, or shall be applied for the payment of debts that are effectual to charge fuch tailzied estate, not contracted by the vendor himself, or the estate of fuch infant, pupil, minor, ideot, lunatick, fatuous or furious person; and the said monies shall be paid into the hands of trustees, who shall be appointed by his Majesty, his heirs or fuccesfors, by sign manual, and the vendor or vendors respectively (which payments shall be good discharges to his Majesty, his heirs and fuccessors, of and from such purchase-money) and fuch trustees, and the survivor and survivors of them, and the executors and administrators of fuch survivor, shall lay out the monies arising from such sale, in the purchase of other lands or heretages, and fettle the same, or procure them to be settled, as aforesaid, or the monies applied for the payment of debts, in the manner herein before directed; and till such purchase can be found, or debts paid, they shall place out the monies, or so much thereof as shall be unapplied, from time to time, as there shall be occasion, upon good security, at interest; and such interest shall go in the same manner, as the profits of the said lands, if purchased, should have gone.

## CAP. LII.

An all for the King's most gracious, general, and free pardon. GEORGE R.

HE King's most excellent majesty having already shewed his royal inclination to mercy, by many particular instances of grace to such as had rendered themselves obnoxious to the laws, and subject to the highest penalties, by being concerned in the late unnatural rebellion; and his Majesty being defirous of quieting the minds of his subjects in general, hath, upon mature deliberation, resolved and determined to grant his general and free pardon, in a large and bountiful manner; not doubting but that, however it may be received by those who are obstinately bent on the ruin of their country, it will raise a due sense of gratitude in all who have been artfully misled into treasonable practices against his person and government, and preserve them and others from standing in need of the like mercy for the future, when such clemency may not be so expedient for the publick welfare, as it would be agreeable to his Majesty's inclinations; and hoping that all his subjects, by this act of grace, will be induced henceforth more carefully to obferve the laws, and live in a loyal and dutiful obedience to his Majesty, therefore his Majesty is well pleased and contented, Declaration of that it be enacted by the authority of this prefent parliament; and be it enacted by the authority of the same, in manner and form following (that is to fay) That all and every his Majesty's subjects, as well spiritual as temporal of this his Majesty's realm of Great Britain, their heirs, successors, executors concerned in and administrators, and every of them, and all and singular bothe late rebel- dies politick and corporate, and their successors, and all cities, boroughs, shires, stewartries, ridings, hundreds, lathes, rapes,

his Majesty's general and free pardon to all persons and places



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wapentakes, towns, villages, hamlets, and tythings, and every of them, shall be, by the authority of this present parliament, acquitted, pardoned, released, and discharged against the King's majesty, his heirs and successors, and every of them, of, and from all, and all manner of treasons, misprisions of treasons, felonies, treasonable and seditious words, or libels, leasing-making, milprifions of felony, feditious and unlawful meetings, and conventicles, and all offences, whereby any person may be charged with the danger and penalty of Premunire; and also of and from all riots, routs, offences, contempts, trespasses, entries, wrongs, deceipts, mildemeanors, forfeitures, penalties, and fums of money, pains of death, pains corporal, and pains pecuniary, and generally of and from all other things, causes, quarrels, fuits, judgements, and executions, in this present act hereafter not excepted or foreprized, which may be, or can be by his Majesty in any wise or by any means pardoned, and have been had, made, done, committed, omitted, perpetrated, incurred, or forfeited, before and unto the fifteenth day of June, in the year of our Lord one thousand seven hundred and forty feven.

II. And also the King's most excellent majesty is contented, His Majesty's that it be enacted by the authority of this present parliament, free pardon to and be it enacted by the authority of the same, That this his persons and Majesty's free pardon shall be as good and effectual in law to things not every of his faid subjects, bodies corporate, and others before re- particularly hearfed, in, for, and against all things aforesaid, and not here-excepted. after in this present act excepted and foreprized, as the same pardon would have been, if all fuch offences, contempts, forfeitures, causes, matters, suits, quarrels, judgements, executions, penalties, and other things not hereafter in this act particularly excepted and foreprized, had been particularly, fingularly, specially, and plainly named, rehearfed, and specified, and also pardoned by proper and express words and names; and that his faid subjects, or any of them, the heirs, executors, or administrators of any of them, or the said bodies corporate, and others, before named and rehearfed, or any of them, be not, nor shall be fued, vexed, or unquieted in their bodies, goods, chattels, lands, or tenements, for any matter, cause, contempt, misdemeanor, forfeiture, trespass, offence, or any other thing, suffered, done, or committed, or omitted, before the faid fifteenth day of June, one thousand seven hundred and forty seven, against bis Majesty, his crown, dignity, prerogative, or the laws or statutes of this realm, but only for such causes, matters, and offences, as be rehearted or mentioned in the exceptions of this present act, to be excepted and foreprized, and for none other; any statute or statutes, laws or customs heretofore had, made, or used to the contrary in any wise notwithstanding.

III. And the King's majesty, of his bounteous liberality, and Penalties and by the authority of this present parliament, doth grant, and forfeitures refreely give to every of his subjects, every of the said bodies cor- mitted. porate, and others before rehearled, and every of them, all goods,

chattels.

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chattels, debts, fines, issues, profits, amerciaments, forfeitures, and fums of money, by any of them forfeited, which to his Majesty do or shall appertain, by reason of any offence, contempt, trespais, entry, misslemeanor, matter, cause, or quarrel, suffered done, or committed by them, or any of them, before the faid fifteenth day of June, one thousand seven hundred and forty seven, not hereafter in this present act foreprized and excepted.

Grants of foriestures, &c.

IV. Provided nevertheless, and be it enacted, That all grants thereof, or of any part thereof, made by any such as have so forfeited the same, and are hereby restored as aforesaid, and all executions thereof, or of any part thereof, had against any such, after such forfeiture thereof committed or made, shall be of such force and effect, as if no such forfeiture had been hal or made, and of no other, the same forfeiture, or any thing in this act before to the contrary notwithstanding.

Persons not excepted may plead this act, without fee.

V. And be it further enacted, That all and every of his Majesty's subjects, and all and singular bodies corporate, and others before rehearfed, may by him or themselves, or by his or their deputy or deputies, or by his or their attorney or attornies, according to the laws of this realm, plead and minister this act of free pardon, for his or their discharge, of or for any thing that is by virtue of this act, pardoned, discharged, given, or granted, without any fee, or any other thing paying to any perfon or persons for the writing or entering of the judgments, or other cause concerning such plea, writing, or entry, but only fixteen pence to the clerk or officer that thall enter fuch plea or matter for judgement, or the parties discharge in that behalf; any law, cuitom, or ulage to the contrary notwithitanding.

Clerk's fee for entering the pica.

His Majesty's be conftrued neficial tente.

VI. And further the King's majesty is contented and pleased, free pardon to that it be enacted by the authority aforefaid, That this his Main the most be- jesty's free pardon, by the general words, clauses, and sentences before rehearfed, shall be reputed, deemed, adjudged, expounded, allowed, and taken, in all manner of courts of his Majesty, and elsewhere, most beneficial and available to all and singular the faid subjects, bodies corporate, and others before rehearled, and to every of them, in all things not in this prefent act excepted and foreprized, without any ambiguity, question, or other delay whatfoever, to be made, pleaded, objected, or alledged by the King's majesty, his heirs or successors, or by his or any of their general attorney or attornics, advocate or advocates, or by any person or persons for his Majesty, or any of his heirs or succeffors. Excepted and foreprized out of this act of general and free pardon, all persons being on the said fifteenth day of June, Persons in the in the service of, or any ways employed by the person, who since the death of the late King James, hath taken upon himself the stile and title of King of England, or King of Great Britain, or who have been in the fervice of, or employed by the King of Spain, fince the nineteenth day of December, in the year one thousand seven hundred and thirty nine, being two months after his Majesty's declaration of war against the said King of Spain,

Exceptions.

fervice of the pretender,

the King of Spain,

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or who have been in the service of, or employed by the French and of the King, fince the twenty ninth day of April, in the year one thou- French King. fand feven hundred and forty four, being one month after the

faid French King's declaration of war against his Majesty.

VII. And also excepted out of this pardon, all offences of Persons belevying the war against his Majesty, which began in this realm, youd the seas, in the year one thousand seven hundred and forty five, by any concerned in person or persons who has, or have been, or shall be beyond the feas, at any time between the twentieth day of July, one thoufand seven hundred and forty five, and the said fifteenth day of

June, one thousand seven hundred and forty seven.

VIII. And also excepted out of this pardon, all offences of or affisting in conspiring, carrying on, consenting to, assisting, or being con- the invasion of cerned in any design or proposal for invading, or procuring an this kingdom, invasion of this realm, by the forces of the French King, or rebellion; by any other foreign force, or for raising or carrying on a rebellion within the same, committed by any person or persons who have been, or shall be beyond the seas, at any time between the faid twentieth day of July, one thousand seven hundred and forty five, and the said fifteenth day of June, one thousand seven

hundred and forty leven.

IX. And also excepted out of this pardon, all offences of counterfeiting forging and false counterfeiting the great seal, privy seal, sign the great seal, manual, or privy fignet, the feal kept and made use of in Scot- fign manual, land, in things relating to private rights or grants which usually or fignet, &c. passed the great seal of Scotland before the union of the two kingdoms, the privy feal, or fignet in Scotland; and also all offences of counterfeiting any of the monies current within this realm; or in counterand also all offences of clipping, washing, scaling, lightening, feiting the impairing, or other unlawful diminishing any of the said monies, coin, &c. by any ways or means whatfoever, or in making or mending any tool or instrument to be made use of in coining, contrary to the laws and itatutes of this realm.

X. And also excepted the offences of bringing into this realm, or in bringing any false or counterfeit money, made or counterfeited out of this in false morealm, knowing the same to be counterfeit, and uttering any nies. fuch false or counterfeit money; and all misprisions and concealments of any of the offences before excepted; and all abetting, aiding, comforting, and procuring of the same offences; and also all offences against an act made in the fitteenth year of Offences his Majesty's reign, intituled, An act for the more effectual pre- against 15 Geo. venting the counterfeiting of the current coin of this kingdom; and 2. c. 28. the uttering or paying of falle or counterfeit coin.

XI. And also excepted out of this act of pardon, all violations Violations of of the privileges of ambassadors, and other publick ministers of the privileges foreign princes and states.

XII. And also excepted all manner of voluntary murthers, Murthers and petty treasons, wilful poisonings, and all flaughters of fore-other offences. thought felony, done or committed by any person or persons; and also all wilful burning of houses, or stacks of corn, or barn's with corn in them, at the time of fuch burning; and all

ministers.



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foever.

house, or other place, or fending any letter without any name subscribed thereto, or signed with a sictitious name, demanding money, venison, or other valuable thing, committed or done contrary to an act of parliament made in the ninth year of the 9 Geo. 1. C.22. reign of his late majesty King George the First, of glorious memory, intituled, An act for the more effectual punishing wicked and evil-disposed persons going armed in disguise, and doing injuries and violences to the persons and properties of his Majesty's subjects, and for the more speedy bringing the offenders to justice, or any act made for the continuance thereof.

and every the accessaries-to the same offences, or any of them; and also all offences, of setting fire to any house, barn, or outhouse, or to any hovel, cock, mow, or stack of corn, straw, hay, or wood, or of shooting at any person in any dwelling-

Piracies.

XIII. And also excepted out of this general pardon, all piracies and robberies committed upon the high feas; and all and every procuring or abetting any fuch offenders, and comforting and receiving of them, or any of them, and of receiving any goods taken by the way of piracy or robbery upon the feas, as aforefaid.

Wilful de-

XIV. And also excepted all offences made felony in and by ftroying thips. an act or acts of parliament made against the wilful casting away, burning, or otherwise destroying any ships or vessels.

Offences agamit 13 Car. s. ft.1. c. 9.

XV. And also excepted out of this general pardon, all offences committed or done fince the twenty fifth day of December, one thousand seven hundred and forty three, against an act made in the thirteenth year of the reign of King Charles the Second, intituled, An act for the establishing articles and orders for the regulating and better government of his Maiesty's navies, ships of war, and forces by sea; or against any acts of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, other than the defertion of fuch offenders, who shall on or before the first day of November next return to his Majesty's service in the regiment, troop, or company, to which they did belong at the respective times of such defertion.

and against mutiny acts.

Robberies.

XVI. And also excepted out of this pardon, all burglaries, and all robberies of churches, and stealing any plate, utenfils, or goods belonging to the same; and also all robberies committed on any person or persons in or near the highway.

Sodomy.

XVII. And also excepted the detestable and abominable vices of fodomy and buggery.

Rapes.

XVIII. And also excepted all rapes and carnal ravishments of women.

Perjury.

XIX. And also excepted all offences of perjury and subornation of witnesses, and endeavouring or conspiring to bribe or corrupt any person to give false testimony; and the offences of forging or counterfeiting and folicitation of forging and counterfeiting any fines or other records, deeds, wills, probates of wills, or letters of administration, escripts, or writings what-

Forgery.

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foever, or publishing or making use in evidence of any fuch,

knowing the same to be forged.

XX. And also excepted all offences of forging and counter- Forging exfeiting of the bills of credit, commonly called Exchequer Bilis, chequer bills. and the tendering in payment any such forged or counterfeited bill of credit, or demanding money thereupon at the exchequer, or elfewhere (knowing the bill fo tendered, or whereupon the money shall be so demanded, to be forged and counterfeited) and also all offences of forging and counterfeiting the common seal Common seal of the corporation of the governor and company of the bank of of the bank, England, or of any sealed bank bill, made or given out in the and bank bills, name of the faid governor and company for the payment of any &c. fum of money, or of any bank note whatfoever, figned for the faid governor and company of the bank of England, or the altering or rasing any indorsement on any bank bill or note of any fort, exchequer orders, lottery orders, lottery tickets, or any indorsement or assignment thereof, or demanding money thereupon, or the tendering in payment, uttering, vending, exchanging, bartering, or indorfing any forged bank bill or bank note, or demanding or receiving any money thereon.

XXI. And also excepted all offences made felony by an act of Offences parliament made in the fecond year of his Majesty's reign, in- against tituled, An act for the more effectual preventing and further punish- 2 Geo. 2. c.25: ment of forgery, perjury, and subornation of perjury; and to make it felony to steal bonds, notes, or other securities for payment of money; or in and by another act of parliament made in the seventh 7 Geo. 2. C.22. year of his Majesty's reign, intituled, An act for the more effectual preventing the forging the acceptance of bills of exchange, or the numbers or principal sums of accountable receipts for notes, bills, or other securities for payment of money or warrants, or orders for payment

of money, or delivery of goods.

XXII. And also excepted all offences made felony in and by an act made in the eighth year of his late majesty King George 8 Geo. 1. C.22. the First, of glorious memory, intituled, An act to prevent the mischiefs by forging powers to transfer stocks, or to receive such annuities or dividends as are therein mentioned, or by fraudulently per-Sonating the true owners thereof, and to rectify mistakes of the late managers for taking subscriptions for increasing the capital stock of the South Sea company, and in the instruments founded thereupon; or in and by one other act made in the twelfth year of his faid 12Geo.1. C.32. late Majesty's reign, intituled, An act for better securing the monies and effects of the suitors of the court of Chancery, and to prevent the counterfeiting of East India bonds and indorsements thereon, as likewise indorsements on South Sea bonds.

XXIII. And also excepted all offences made felony by one other act made in the fifth year of his faid late Majesty's reign, 5 Geo. 1. c. 24. intituled, An act for the better preventing frauds committed by bankrupts; or in and by one other act, made in the fifth year of his 5Geo. 2 C. 30. present Majerty's reign, intituled, An act to prevent the commit-

ting of frauds by bankrupts.

XXIV. And also excepted all offences in unlawfully and malicioufly 175

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Breaking ting on fire mines, &c.

liciously breaking or cutting down the bank or banks of any banks and fet-river, or any sea banks, or setting or causing to be set on fire any mine, pit, or delph of coal, or cannal of coal, made felony by any act or acts of parliament,

terfeiting seamens tickets, or authorities for receiving any sums

Counterfeiting feamens tickets,

XXV. And also excepted the offences of forging and coun-

of money due to seamen; and the offences of publishing, as true ones, forged or counterfeit tickets, knowing them to be and Mediter- forged or counterfeit; and also all offences in forging, counterranean Passes. feiting, or altering any pass, commonly called a Mediterranean

Pass, and publishing as true any such forged, counterfeit, or altered pass, knowing the same to be forged, counterfeit, or

altered.

Contempts and mifdemeanors, &c.

XXVI. And also excepted all offences, contempts, or misdemeanors (not being capital) done contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person not brought up therein feven years as an apprentice) or contrary to the laws of this realm, for which any action, bill, plaint, information, indictment, or other profecution, at any time within two years next before the last day of Easter term, in the year one thousand seven hundred and forty feven, hath been, or shall be found, commenced, or fued in any of his Majesty's courts at Westminster, or before any commissioners of Oyer and Terminer, gaol delivery, justices of affize, or justices of the peace, and on the said last day of Easter term, depending and remaining to be protecuted, on which no outlawry, verdict, conviction, judgment, or decree shall, on the fifteenth day of June, one thousand seven hundred and forty seven, be had or obtained, and which have been profecuted at the charge of any private perion or perions, unless the defendant or defendants, in such projecution or projecutions, shall pay to such private prosecutor or prosecutors, his or their executors or administrators, such costs as the court, where or before whom such prosecution shall be, shall award to be paid to fuch private profecutor or profecutors in respect of the charges of fuch profecution.

Felonies, contempts, and mudemeanors.

XXVII. And also excepted all felonies, contempts, and misdemeanors had, committed, or done, contrary to any act of parliament (other than using, or causing to be used, any craft, mystery, or occupation, by any person or persons not brought up therein feven years as an apprentice) or contrary to the laws of this realm, for which any person hath been, or shall be so far profecuted, that on or before the last day of Trinity term, one thousand seven hundred and forty seven, any verdict hath been, or shall be obtained upon such prosecution, or any outlawry, conviction, judgment by default, or other judgment, fentence, or decree, had, given, or entered in any of his Majesty's courts, or before any commissioners of his Majesty, or any of his royal predecessors, within this realm of Great Britain, or by the commissioners of his Majesty, or any of his royal predecellors,

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ceffors, for the management of the receipt of excise, or other duties under their management, or by justices of the peace.

XXVIII. And also excepted out of this pardon, all offences 9Geo. 2. c. 35. and mildemeanors against an act of parliament made in the ninth year of his Majesty's reign, intituled, An act for indemnifying persons who have been guilty of offences against the laws made for securing the revenues of customs and excise; and for enforcing those laws for the future; and an act of parliament made in the nineteenth year of his Majesty's reign, intituled, An act for the fur- 19 Geo.z.c.34. ther punishment of persons going armed or disguised, in defiance of the laws of customs or excise, and for indemnifying offinders against those laws, upon the terms in this act mentioned; and for the relief of officers of the customs in informations upon seizures; and all convictions and attainders by virtue thereof, or against any other acts of parliament made for the paying or securing his Majesty's revenues of land-tax, customs, excise, inland duties, or of the post-office, stamp-duties, window and house-tax, or other du- and other acts ties, or for the preventing the exportation of wool, or the un- the revenues. lawful importation, landing, re-landing, or exportation of any goods, wares, and merchandizes, or for punishing or bringing to justice offenders against the laws relating to the revenues of customs and excise, and the exportation of wool.

XXIX. Provided also, That if any person shall have com- Rebels who mitted high treason, in levying war against his Majesty, in the were possessed rebellion which began in the year of our Lord one thousand seven of any civil hundred and forty five, within this realm, who, at the time of employment, such treason committed, or since, was possessed of, or intitled &c. for life; to any civil office for life, or for any estate of inheritance within claim the this realm granted by his Majesty, or any of his predecessors, or same. claimed by or under such grant, or to any office, place, or employment of and in any city, borough, or town-corporate within this realm, and thall claim to have and enjoy such office, place, or employment, it shall and may be lawful to proceed in due form of law against such person for the said high treason, as

if this act had not been made.

XXX. Excepted also out of this pardon, all and every per- Persons of the fon and persons of the name and clan of Mac Gregour, men-name and tioned and intended in and by an act of parliament made in clan of Scotland, in the first parliament of the late King Charles the first, M'Gregour. intituled, Anent the clan Gregour, whatever name or designation he or they may have, or do assume, or commonly pass under.

XXXI. And also excepted out of this pardon, all offences Offences conconcerning any common highways or bridges, and all informa- cerning the tions, indictments, and other proceedings thereon, and all iffues highways, &c.

feturned upon any process concerning the same.

XXXII. And also excepted all offences in taking away, im- Imbezilling bezilling, or purloining any of the goods, monies, chattles, stores. jewels, armour, munition, stores, naval provisions, shipping, ordnance, and other habiliments of war belonging to the crown.

XXXIII. And also excepted all conditions and covenants, Forfeitures by and covenan, &c. VOL. XIX.

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hath

and all penalties, titles, and forfeitures of conditions or covenants, accrued or grown to his Majesty, by reason of the breach or non-performance of any covenant or condition whatsoever.

Offences, &c. by officers of the revenue, XXXIV. And also excepted out of this act of pardon, all offences, misbehaviours, misdemeanors, or omissions committed, suffered, or done by any officer of the exchequer or revenue, in or concerning the execution of his office, or by colour thereof, and all forfeitures, disabilities, incapacities, and penalties what-foever, to which any such officer is or may be liable by reason of such offences, misbehaviours, misdemeanors, or omissions, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

by affeffors and collectors of taxes. XXXV. And also excepted out of this act of pardon, all wilful offences, misbehaviours, or misdemeanors, or omissions committed, suffered, or done by any affessor or assessing collector or collectors of any aids or taxes, granted by any act or acts of parliament, in or concerning the execution of their offices, or by colour thereof, and all suits, proceedings, and prosecutions, had or to be had for or by reason thereof.

Quare Impedit.

XXXVI. And also excepted all titles, suits, and actions of Quare Impedit.

Incest, simony, dilapidations. XXXVII. And also excepted all offences of incest, simony, or dilapidations, and all proceedings and sentences thereupon.

First fruits and tenths.

XXXVIII. And also excepted out of this pardon all firstfruits and tenths, pensions, procurations, synodals, and other payments out of any ecclesiastical promotion or benefice, and arrears of the same.

Custom and excise, &c.

XXXIX. And also excepted out of this pardon, all and every the sums of money and duties, accruing or arising by or from any customs or subsidies, excise, imposition upon wine or other liquors, or commodities, duties upon malt, hops, candles, foap, paper, duties on printing, painting, staining or dying filks, callicoes, linens, and stuffs, duties on starch, duties upon gilt and silver wire, duties on salt, duties upon tonnage of ships, duties upon parchment, vellum, and paper, arrears of any landtax, poll-money, all arrears of rent, and all other fums of money due or owing from any licensed or hackney coachmen, or chairmen, or stage-coachmen, duties arising by wine licences, or the post-office, or by or from any other tax, affessment, duty, imposition, debt, or sum of money whatsoever, to the King's Majesty given or belonging, or leviable by any act of parliament, or otherwise due or beionging to the King's majesty, and all arrears thereof respectively, and all concealments and wrongful detainment thereof respectively, and all penalties, forfeitures, and disabilities arising thereby, or for the nonpayment, conceament, or detaining thereof, and all corruptions and mifdemeanors of any officer or minister of, in, or concerning the same, and all accounts and fuits whatfoever now depending, or to be had, made, or profecuted for the same; and all concealments, frauds, and offences, by which his Majesty, or his royal father,

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hath or have been deceived, and not truly answered for the

lame, or any of them.

XL. And also excepted out of this act, all offences committed or done contrary to an act of parliament, made in the fifth year of the reign of his late m. jesty King George the First, of glorious memory, intituled, An act for the better Jecur ing the lawful trade of his Majesty's su'jects to and from the East Indies, and for the more effectual preventing all his Majesty's Juliests trading thither under foreign commissions; or contrary to an act of parliament made in the seventh year of his said late majesty King George the First, of glorious memory, intituled, An act for the 7 Geo. 1. C. 21. further preventing his Majesty's subjects from trading to the East Indies under foreign commissions, and for encouraging and further securing the lawful trade thereto; and for further regulating the pilots of Dover, Deal, and the isle of Thanet; and all forfeitures and penalties which any person or persons is, are, or may be liable to, by reason of any of the offences committed against either of the faid acts, or contrary to any other acts of parliament made for the ascertaining, securing, or improving the trade of the East India company to and in the East Indies.

XLI. And also excepted all offences committed by any per- Converting fon or persons in taking or converting to their own use any goods, &c. goods, chattles, rents, or profits of land belonging to the crown, belonging to

by any title or pretence whatfoever.

XLII. And also excepted out of this pardon, all arrears of rent due from any farmer or tacksman of any part of the pub- Arrears of farmers. lick revenue, and all arrears of fee farm rents and other rents.

XLIII. And also excepted all and singular accounts of all and Accounts of every collector and collectors, commissioners, treasurers, receiv-officers. ers, or other officers, or other accountant whatfoever, who have received or collected, or are any other way accountable to his Majesty for any the customs, subsidies, impositions, excises, duties, land-taxes, poll-money, rents, or other matters before-mentioned, or for prize goods, or for any other tax, assessment, duty, imposition, debt, sum of money, or other things whatfoever, given to the King's majesty, or leviable by act of parliament, or otherwise belonging to his Majesty; and all accounts of every other perion whatfoever, that ought to be accountant to the King's majesty, for or in respect of any receipt or other charge, and the heirs, executors, administrators, and fureties of any person that ought to account, for all things touching only the same accounts, and all and singular arrearages of accounts, and all impetitions, charges, feizures, fuits, demands, and executions, which may or can be had of or for any luch account or accounts, or any arrearages of the same.

XLIV. And also excepted all recognizances, obligations, Securities of and other securities given or entered into by any receiver of any receivers. land-tax, or other duties or impositions, or any other sums of money whatfoever, due or payable to his Majesty by act of parliament, or otherwise, or by any reeve, bailiff, collector, or other accountant, in either of the courts of exchequer in England or

5Geo.1.c. 21

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Scotland, or given or entered into by any person or persons impowered or permitted by any such receiver, reeve, bailiff, collector, or other accountant, to have or receive any sum or sums of money arising from the land-tax, or other duties or impositions, or any other sums of money whatsoever, due or payable to his Majesty by act of parliament, or otherwise, and their sureties, and their accounts respectively, and all other recognizances and obligations whatsoever, with or upon condition to account, or for payment of money; and all obligations, or other securities given or entered into by any officer or officers of any of the revenues of his Majesty, or any of his royal predecessors, or their sureties, for the true discharge of his or their trusts.

Debts due to the crown.

XLV. And it is hereby declared and enacted, That this act shall not extend, or be construed to pardon or discharge any recognizance or obligation not yet forfeited, nor to pardon or difcharge any forfeited recognizance or obligation, or any other forfeiture or penalty, whereof any person or persons who are or have been farmers or tacksmen of any part of the publick revenue, ou ht to receive any benefit or advantage; nor to pardon or difcharge any debt due by any recognizance or obligation, or otherwife, to any person or persons indebted to the crown, which hath been duly seized in aid of the crown's debt; nor to pardon or discharge any debt due by recognizance, obligations, condemnation, or otherwise, whereupon any estalment or seizure has been at any time heretofore made, upon which estalment or feizure any thing is, or at any time fince the twenty fourth day of July, one thousand seven hundred and twenty one, hath been answered and paid; nor to pardon or discharge any penalties, forfeitures, or sums of money due or accrued to his Majesty by reason of any act, statute or statutes, which forfeitures, penalties, and fums of money, fince the faid twenty fourth day of July, one thousand seven hundred and twenty one, be converted into the nature of any debt by judgment, order, or decree, or by the agreement of the offender or offenders, or have been estalled, or any seizure made for the same, and upon such seizure or estalment, any thing answered or paid since the said twenty fourth day of July, one thousand seven hundred and twenty one; nor to extend, or be construed to pardon or discharge any recognizance which hath been entered into, and forteited for or on account of any crimes, or other matters, which by this act are excepted or foreprized out of this pardon.

Issues an i fines by sherift, &c. XLVI. And also excepted out of this pardon all issues, fines, and amerciaments lost, imposed, or assessed since the said twenty fourth day of July, one thousand seven hundred and twenty one, which have been, or shall be totted, levied, or received by assessed to account for the year ending at Michaelmas now next ensuing, at any time before they shall finish such their accounts respectively.

Post Fine , &c.

XLVII. And also excepted all fines pro licentia concor in it, commonly called Post Fines, and all such issues, fines, and amer-claiments.



#### Anno vicesimo Georgii II. C. 52. 1747.]

ciaments, above the sum of six pounds, which have been lost, imposed, or assessed, and have been affeered, taxed, set, estreated, or entered, fince the faid twenty fourth day of July, one

thousand seven hundred and twenty one.

XLVIII. And also excepted all such issues, fines, and amer- Issues and ciaments, returned, affeered, taxed, set, or entered in any fines entered court of record within this realm of Great Britain, at any time in courts of fince the fifteenth day of June, one thousand seven hundred and forty five; and yet nevertheless, all the estreats of such fines, issues, and amerciaments, as be now pardoned by this act, and which be already estreated forth of either of the courts of Exchequer of England or Scotland, and he remaining in the hands of the sheriff, under sheriff, bailiff, or other proper officer for collecting of the same fines, issues, and amerciaments, shall, upon the return of the faid estreats, be duly and orderly charged and delivered by scrows into the office of the pipe in the faid respective courts of Exchequer, as hath been heretofore accustomed in England, to the intent that thereupon order may be taken, that his Majesty may be truly answered all such fines, issues, and amerciaments, not by this act pardoned, and which any theriff, under sheriff, bailiff, or other officer or minister, has received, or ought to answer, by force or colour of any such estreat, pro- sheriffs, &c. cess, or precept to him or them made for levying thereof; and positioning, to yet all and every sheriff and theriffs, and other ac ountant, up- se allowed the on his or their petition or petitions, to be made for the allow- same gratis. ance of any fuch fines, issues, or amerciaments, as by this act are pardoned, shall have all and every such his and their petition allowed in his and their account and accounts, without paying any fee or reward to any officer, clerk, or other minister, for the making, entering, and allowing of any fuch petition or petitions; any usage or custom to the contrary thereof in any wife notwithstanding.

XLIX. Provided always, That this act shall not extend to Persons difagive or restore any ability or capacity to take, have, hold, or ex- bled by pad eercise any office, place, authority, or employment, ecclesiastical, me thex rcivil or military, to any person or persons, who, by virtue or cite ar orice, reason of any judgment of any court of justice, were or are made not restored. or become incapable or disabled to have, take, hold, or execute the same; but that all and every such person and persons shall remain and continue under all and every the difabilities and incapacities aforesaid; any thing in this present act to the contrary

notwithstanding.

L. Provided, and it is hereby declared, That nothing in this P rons di act shall be construed to extend to restore, regrant, or revest, to v i to my or in any person, any office, place, or employment, civil or mili- eft ite or cmtary, or any real or personal estate, which has, or have been, or plyment not shall be, on or before the said afteenth day of June, one thoufand feven hundred and forty feven, divefted out of fuch person, by virtue of any judgment, attainder, conviction, or act of parliament.

LI. And also excepted out of the pardon all such persons as, Pe fine at  $N_3$ on trinted, &c.



of high trea- on or before the said fifteenth day of June, in the year one thoufon before sand seven hundred and forty seven, are or shall be attainted of 15 June, 1747. high treason, by act of parliament, or judgment, or convicted of high treason, by verdict, confession, or otherwise.

Persons transported.

LII. And also excepted all persons who have been, or shall be transported into parts beyond the seas, on or before the last day of Trinity term, in the year one thousand seven hundred

and forty feven, for any offence.

Treasons against 13 Wil. 3. C. 3.

C. 39.

LIII. And also excepted out of this pardon, all treasons contrary to an act of parliament made in the thirteenth year of the reign of the late King William the Third, of glorious memory, intituled, An act for the attainder of the pretended prince of Wales of high treason, committed since the first day of July, one thoufand feven hundred and forty two, and before the twentieth day

of July one thousand seven hundred and forty five. 17 Geo. 2.

> LIV. And also all treasons against an act of parliament made in the seventeenth year of his Majesty's reign, intituled, An act to make it high treason to hold correspondence with the sons of the pretender to his Majesty's crown, and for attainting them of high treafon, in case they shall land, or attempt to land, in Great Britain, or any of the dominions thereunto belonging; and for suspending the operation and effect of a clause in the act of the seventh year of the late Queen Anne, for improving the union of the two kingdoms, relating to forfeitures for high treason, until after the decease of the sons of the faid pretender, committed before the faid twentieth day of July, one thousand seven hundred and forty five.

Persons concuring an inyanon.

LV. Also excepted out of this pardon, all offences of high cerned in pro- treason and misprision of high treason, committed at any time or times whatfoever by any person or persons, who, after the faid first day of July, one thousand seven hundred and forty two, and before the faid twentieth day of July, one thousand seven hundred and forty five, hath or have conspired, carried on, confented to, affisted, or been concerned in any design or proposal for invading, or procuring an invasion of this realm, by the forces of the French King, or any other foreign force, or for raifing or carrying on a rebellion within the fame.

Offences committed by popith prietts against 27 Eliz. C. 2.

LVI. And also excepted out of this pardon, all and every offence and offences committed or done by any jesuit, seminary or other Romish priest whatsoever, contrary to the tenor or effect of the statute, made in the twenty seventh year of the reign of the late Queen Elizabeth, intituled, An act against jefuits, seminary priests, and other such like disobedient persons, and all outlawries, proceedings, judgements, and executions for the same offences, or any of them, and except all convictions of popish recusants for their recusancy, and the consequences thereof; and all forfeitures of estates, real and personal, given for supporting superstitious uses, mentioned in an act of the first Geo. 1. c. 50. year of the reign of his late majesty King George the First, of glorious memory, intituled, An act for appointing commissioners to enquire of the estates of certain traitors, and of popish recusants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick.

LVIII. And



#### Anno vicesimo Georgii II. C. 52. 1747-]

LVII. And also excepted all offences contrary to an act of parliament, made in the first year of the reign of his said late 1 Geo. 1. c. 55. majesty King George the First, intituled, An act to oblige papists

to register their names and real estates.

LVIII. And also excepted all contempts in causes depending Contempts in on or before the twentieth day of June, in the year one thousand courts of law, feven hundred and forty feven, in any court of law or equity, or equity, or non-peror for non-performance of awards, or for non-payment of costs, formance of given or awarded by fuch courts on or before the faid fifteenth awards, &c. day of June, in the year one thousand seven hundred and forty feven, and all proceedings upon such contempts and securities taken thereon, and all usurpations and forfeitures of franchises or offices, for which any profecution hath been commenced or begun fince the said twentieth day of July, one thousand seven hundred and forty five, and is on the faid fifteenth day of June depending and remaining to be prosecuted.

LIX. And also excepted all contempts in any ecclefiastical Contempts in court, in fuch causes only that have been commenced for mat-ecclesiastical ters of right, and not for correction; and also all contempts in and admiralty any court of admiralty, proceeding civilly and not criminally.

LX. And also excepted out of this act of pardon, Charles earl Names of perof Traquair, Alexander earl of Kellie, Robert Maccarty, stiling him- sons excepted. felf earl of Clancarty, Sir James Steuart, baronet of Good Trees, Sir John Douglass baronet, Sir James Harrington baronet, Sir James Campbell baronet of Auchinbreck, otherwise Achinbreck; Sir William Dunbar, baronet of Durn, Sir Alexander Bannerman of Elsick, baronet; Archibald Steuart, late provost of Edinburgh; Peter Barry doctor in physick, Thomas Blair of Glasclune, Alexander Blair writer in Edinburgh, Peter Byers, otherwise Byres of Tonlay, James Carnegie of Boyfack, Charles Cumming of Kinnimond otherwise Kinnimount, William Cumming the younger of Pitully, Roderick Chisholm of Comar in Strathglass, Alexander Cameron of Dungallon, William Drummond of Bahaldie, otherwise Bohaldie, William Drummond of Callendar, James Fraser of Foyers, Simon Fraser of Avochnacloy, John Fraser, M' Gelispick, Hugh Fraser son to Alexander Fraser of Leat Clan, James Farquharson, of Balmurral, otherwise Balmurle, John Fullerton of Dudwick the younger, John Dow Fraser of Little Garth, John Fraser of Browich, late steward to lord Lovat; Thomas Frajer of Gortuleg, Alexander Garioch of Margie, Arthur Gordon of Carnoussie, George Gordon of Hawhead, otherwise Hallhead, John Gordon of Abachie, otherwise Abochie, James Gordon of Gobardie, otherwise Cobardie, Francis Gordon of Mill of Kincardine, Robert Gordon of Logie the younger, James Gordon of Glasterum, otherwise Clashtirum, Robert Graham of Garrick, Patrick Grant of Glenmorison, John Graham of Kilmardinny, David Hunter of Burntside, otherwise Burnside, John Halden, otherwise Haldane, otherwise Haldon, of Lanrick, Alexander Halden, otherwise Haldane, otherwise Haldon, fon to the said John; Andrew Hay, the younger of Ranus, otherwise Ranas; Alexander Irvine of Drum, George Kelly, James Levistonne, otherwise Livingston, late postmaster of Falkirke; Cole,

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otherwise Col M' Donald of Barisdale, Grigor M' Gregor, otherwife James Greeme, otherwise Graham of Glingyle; Maicolm M' Lead of Rasa, Archibald Menzies of Seyan, otherwise Shien; Gilbert Menzies junior of Pitfoddles; Thomas Mercer merchant in Aberdeen, William Moir of Lonemay, otherwise Longmay. James Moir of Stonywood, Oeneas, otherwise Angus Me Donald late banker at Paris; James Mac Donald brother to Mar Donald of Kinloch Moidart, John Murray late clerk of the customs at Alloa, Donald Mac Donald of Inveroy, John Mac Donald the elder of Glengary, Alexander Mac Donald of Glenco, Robert Murray of Glencarneck, Thomas Ogilvie of East Mill, Alexander Ogilvie of Acheries, Thomas Ogilvie of Coul merchant in Dundee, John Riddle, otherwise Riddel of Grange, David Robertson of Eastea Bleaton, George Robertson of Faskelly, James Robertson of Blairfetty, Alexander Robertson of Strouan, Duncan Robertson of Drummachean, Donald Smith merchant in Aberdeen, David Smith of Inveramfay, Daniel Spalding otherwise Spaldane, of Ashentully, James Stirling of Craig Barnett, Charles Stuart of Ballachallan, David Stuart of Kinnachin, Robert Stuart of Killiharry, otherwise Killyhasty, John Turner the younger of Turner Hall, Alexander Thomfon, otherwise Thompson of Fechfield, otherwise Fochfield, otherwise Fairfield: David Tulloch of Bugtown, otherwise Bugtoun, William Vaughan the younger of Courtfield, in the county of Monmouth; Andrew Wauchsp, otherwise Warcupp, of Nidrie, esquire; and Aiexander IV bite the younger of Ardlehill.

Process of outlawry not to be stayed, undant put in bail, &c.

LXI. Provided always, and be it enacted by the authority aforesaid, That no process of outlawry, or any proceedings less the defen- thereon, at the suit of any person plaintiff, shall be, by virtue of this pardon, stayed or avoided, unless the defendant appear, and put in bail, where by law bail is necessary, and take out a writ of scire facias against the party, at whose suit he was outlawed; and that this pardon be not allowed to discharge any outlawry after judgment, till satisfaction or agreement be made to, or with the party, at whose suit the outlawry was obtained.

General issue.

LXII. And it is further enacted by the authority aforesaid, That every person or persons hereby pardoned, may plead the general issue, without special pleading of this pardon, and give this act of pardon in evidence for his discharge; and that the same shall be thereupon allowed, and advantage thereof had, as fully to all intents and purpoles, as if the same had been fully and well pleaded.

Validity of this act.

LXIII. And be it further enacted by the authority aforesaid, That this present pardon shall be of as good force and effect, to pardon and discharge all and singular the premisses abovementioned, and intended to be pardoned and discharged, as well against such person or persons, bodies politick and corporate, as do or shall claim the same, by or under any letters patents, or lease, or grant by the King's majesty, or any his predecesfors, as against the King's Majesty himself.



# Anno vicesimo primo GEORGII II. Regis.

A T the parliament begun and bolden at Westminster, the tenth day of November, Anno Domini one thousand seven bundred and forty seven, in the twenty first year of the reign of our sovereign lord George the Second, by the grace of God of Great Britain, France and Ireland, King, defender of the faith, &c. being the first session of this present parliament.

## CAP. I.

An act for continuing the duties upon malt, mum, cyder and perry, in that part of Great Britain called England; and for granting to his Majesty certain duties upon malt, mum, cyder and perry, in that part of Great Britain called Scotland; for the service of the year one thousand feven hundred and forty eight. EXP.

# CAP. II.

An all for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom: and for raising a certain sum of money by annuities and a lottery to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his present Majesty's reign, as enasts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same.

# Most gracious Sovereign,

E your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, for the better enabling your Majesty to defray the charge of this present war, and for other your Majesty's most necessary and important occasions, have given and granted unto your Majesty the further subsidies, rates, duties, and sums of money hereafter mentioned; and do humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That over and above all subsidies of tonnage and poundage, and over and Additional above all additional duties, impositions, and other duties whatso- duty of 12d. ever, by any other act or acts of parliament, or otherwise howsoever laid on all already due and payable, or which ought to be paid to his Ma- goods importjesty, his heirs or successors, for or upon any goods or merchan-ed; dizes, which, from and after the first day of March, which shall be in the year of our Lord one thousand seven hundred

Anno vicesimo primo Georgii II. c. 2. 1748. 186

> and forty seven, shall be imported or brought into the kingdom of Great Britain, one further subsidy of poundage of twelve pence in the pound shall be paid to his Majesty, his heirs or fucceffors, upon all manner of goods or merchandizes to be imported or brought into this realm, or any his Majesty's dominions to the same belonging, at any time or times after the said first day of March, one thousand seven hundred and forty seven, by the importer of fuch goods or merchandizes, before the landing thereof, according to the feveral particular rates and values of the same goods and merchandizes, as the same are now particularly and respectively rated and valued, in the respective book of rates referred to by the acts of the twelfth year of the reign of King Charles the Second, and the eleventh year of his late Majesty, or by any other act or acts of parliament; and so after that rate or value, or which do now pay any duty

as valued in the book of rates 12 Car. 2. C. 4. and II Geo. 1. C. 7.

Unrated Eaft India goods cent. on the grois price.

ad Valorem. II. And whereas it may happen, that several goods and merchandizes may be imported by the East India company, which are not ratto pay 51. per ed by any act of parliament; be it enacted by the authority aforefaid, That all fuch unrated goods and merchandizes shall pay the faid subsidy of five per centum granted by this act on the gross price for which the goods shall be fold at the candle, without any allowance or deduction whatfoever; and that nothing in this act shall any ways alter the present method of computing the reduced value and duties at prefent payable upon unrated East India goods, but the same shall be computed as if this prefent act had never been made; and the subsidy hereby granted shall be paid by the said united East India company, at the same times as the other subsidies on East India goods imported by the faid company are now due and payable; any law or custom to the contrary notwithstanding.

III. And be it further enacted by the authority aforefaid, Duties how to That the subsidy of poundage hereby granted, shall be raised, be levied. &c. That the subsidy of poundage hereby granted, shall be raised, levied, and collected by the respective officers of his Majesty's customs in this kingdom, under the management and direction of the respective commissioners of the customs for the time being; and shall be brought and paid, or answered, into the receipt of his Majesty's exchequer, for the purposes in this act mentioned (fuch additional charge as shall be necessary for the management of this revenue only excepted) and that all and every the clauses, powers, directions, penalties, forfeitures, matters, and things whatfoever contained in the faid act of the twelfth year of the reign of King Charles the Second, or in any other laws or statutes whatfoever now in force, for raifing, levying, collecting, answering, and paying the subsidy of tonnage and poundage thereby granted, shall be applied, practised, and put into execution, for the raifing, levying, fecuring, collecting, answering, and paying the subsidy of poundage by this act granted, as fully and effectually, to all intents, and purposes, as if all and every the faid clauses, powers, directions, penalties and forfeitures,

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### Anno vicefimo primo GEORGII II. C. 2. 1748.] were particularly repeated and again enacted in the body of this

prefent act.

IV. Provided always, That nothing herein contained shall Not to extend extend, or be construed to extend, to any goods or merchan- to goods imdizes which were or are now allowed by the faid act of the nor to prohitwelfth year of the reign of King Charles the Second, or any bited goods other act or acts of parliament to be imported duty free, nor to imported by any prohibited goods or merchandizes which may be imported the India com-

by the united East India company.

V. Provided also, and it is the true intent and meaning of Allowance to this act, That the importers of tobacco shall, upon paying the importer down the subsidy hereby granted, have the same allowance with of tobacco. respect to this subsidy, as they are intitled to by any law now in force upon tobacco imported; but in case the said subsidy hereby granted shall not be paid down as aforesaid, then the said Bond to be importers shall become bound to his Majesty, his heirs or suc- given on noncessors, with one or more sufficient sureties, to be approved of the duty. by the collector of the port where the tobacco shall be imported, with the confent of the comptroller of fuch port, in one or more bond or bonds, at the election of the importer, for payment of the faid subsidy within eighteen months, to commence at the end of thirty days after the master's report of the ship, or to commence from the merchant's entry of the goods within those thirty days, which shall first happen; any thing herein contained to the contrary thereof in any wife notwithstanding.

VI. Provided always, and it is hereby enacted and declared Drawback alby the authority aforesaid, That in all cases where any goods or lowed upon merchandizes, that have paid the subsidy hereby granted, shall exportation at any time or times be again exported by any merchant or mer- within 3 years chants, within three years from the importation thereof, the fubfidy by this act granted, and which shall have been actually paid for fuch goods, wares, or merchandizes, shall without any delay or reward, be repaid unto such merchant or merchants, who shall export the same, or the security vacated; except for such Exception. goods or merchandizes, as by any former act or acts of parliament it is declared no drawback shall be paid or allowed upon exportation, and except as is herein after excepted in relation to

prize goods.

VII. And be it further enacted by the authority aforesaid, Drawback or That for every hundred weight of fugar imported into Great Bri- 3s per huntain, after the faid first day of March, one thousand seven hun- dred weight dred and forty seven, and refined there (and so in proportion for on fingar rea greater or leffer quantity) that shall be exported out of this Britain, and kinodom, after the faid first day of March, one thousand seven exported, &c. hundred and forty feven, during the continuance of this act, there shall be repaid at the custom house to the exporter, within thirty days after the demand thereof, the sum of three shillings, over and above the present bounties; oath being first made by the refiner, that the fugar so exported, was produced from brown and muscovada sugar, charged by this act, and that as he verily believes the same was imported from his Majesty's

1748. Anno vicefimo primo GEORGII II. C. 2. 288

> plantations in America, and the duty duly paid at the time of the importation thereof, the exporter making oath, that the fame was duly exported, and his Majesty's searcher also certifying the shipping thereof, and all other requisites being per-

formed according to the respective books of rates.

Part of 20 Geo, 2. C. 45. repealed.

VIII. And whereas by an all of parliament made and passed in the twentieth year of his Majesty's reign (intituled An act to continue feveral laws relating to the manufactures of fail cloth and filk; to give further time for the payment of duties, omitted to be paid for the indentures or contracts of clerks and apprentices, and for better securing the payment of the said duties; and declaring that prize thips lawfully condemned, shall be deemed, Britist built ships: and for allowing prize goods to be landed and secured in proper warehouses, without payment of any duty, until it can be determined whether they are fit for exportation or home consumption) it was amongst other things enacted, That all goods and merchandizes that then had been or should, during the continuance of the present war with France or Spain, be taken from his Majesty's enemies, and landed from any ship or vessel, in any port within the kingdom of Great Britain, after being subsect to the several rules and restrictions prescribed and mentioned in the said all, might be exported again to foreign parts, by the captors or other owners thereof, without being liable to or paying any duty of sustom or excise for the same, as by the said act, relation being thereunto bad, will more fully and at large appear: be it therefore enacted by the authority aforesaid, That so much of the said act as relates to the nonpayment of the faid duties of custom or excise on prize goods or merchandizes lodged in warehouses, and so exported as aforesaid, shall, from and after the first day of March, one thousand seven hundred and forty seven, be, and is hereby repealed and made void; and that the subsidy hereby granted shall not be drawn back, on the exportation of any prize goods or merchandizes taken by any of his Majesty's ships or vessels of war: any thing in the said recited act, or any other act or acts of parliament to the contrary notwithstanding.

No drawback allowed on exportation of prize goods.

Books to be ing the monies coming in by this act,

IX. And be it further enacted by the authority aforesaid, kept for enter- That there shall be provided and kept in the office of the auditor of the receipt of exchequer at Westminster, a book or books, in which all the monies hereby appointed to be paid into the faid receipt as aforesaid, shall be entered separate and apart from all other monies paid or payable there to his Majesty, his heirs or successors, upon any account whatsoever; and the laid money so appointed to be paid into the said receipt of exchequer as aforesaid, shall be the yearly fund for the several purposes herein after mentioned.

Appropriation of the duties.

X. And be it further enacted by the authority aforesaid, That all and every the annuities which by this act shall be granted and made payable, in respect of the principal sum of six millions three hundred thousand pounds, to be raised in manner and form as is herein after directed; as also the additional capital of ten pounds in lottery tickets, herein after directed to be added



#### 1748.1 Anno vicelimo primo Gzorgii II. Q. s.

to every one hundred pounds, advanced towards raising the first fum of his millions three hundred thousand pounds, until redemption thereof by parliament, shall be charged and chargeable upon; and payable out of the several subsidies, rates, and duties by this act granted to his Majesty; and the said several subsidies, rates, and duties shall be, and are hereby appropriated for that pur-

pele accordingly.

XI. And whereas several persons, natives and foreigners, bodies politick and corporate, have subscribed and agreed to advance the said fum of fix millions three bundred thousand pounds, for the publick service, for the purchase of annuities after the rate of four pounds per centum per annum; and the said subscribers or contributors bave, in pursuance of a resolution of the commons of Great Britain in parliament affembled, deposited with and paid to the first or chief cashier or cashiers of the governor and company of the bank of England for the time being, the sum of ten pounds per centum in part of the principal sums by them respectively subscribed as aforesaid; end bave also paid to the said cashier or cashiers the further sum of ten pounds per centum, on or before the twenty eighth day of January, one thousand seven bundred and forty seven; and have also advanced and paid several other sums of money to the said cashier or cashiers, by virtue and in pursuance of the said resolutions, in further part of the faid sum of six millions three bundred thousand pounds, and are desirous to pay the remaining principal sums by them subscribed as aforesaid, at such times, and in such monner, as are herein after appointed in that behalf; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all and Contributors every fuch contributor or contributors, who have already de- who have paid posited with, or paid to the said cashier or cashiers of the said two tenths to governor and company of the bank of England, the faid two mainder in the several and respective sums of ten pounds per centum, or other proportions fums of money, in part of the faid fum of fix millions three limited. hundred thousand pounds as aforesaid, to advance and pay unto the faid cashier or cashiers, at or before the respective days or times, and in the proportions herein after by this act limited in that behalf, the remaining principal sums by them subscribed towards the faid sum of six millions three hundred thousand pounds, for the purchase of any certain annuity or annuities, to commence from the feast of Saint Michael the archangel, which Annuities to shall be in the year of our Lord one thousand seven hundred commence and forty eight, and to be paid and payable to such contributor from Michaelor contributors, or such as he, she, or they shall nominate his, mas 1748, her, or their executors, administrators, successors, or assigns respectively, in manner herein after mentioned; which annuities before mentioned shall be computed at the rate of four pounds at 41. per . per centum for every one hundred pounds, and proportionably cent. for any greater or less sum so to be advanced and paid; and the remaining purchase money for every such annuity, at the rate aforesaid, is hereby appointed to be paid unto the said cashier or cashiers aforesaid, at or before the respective days or times herein after limited; that is to fay, The fum of ten pounds per

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[1748.

Times of advancing the lums.

**entum**, part thereof, on or before the twenty seventh day of February, one thousand seven hundred and forty seven; the sum of ten pounds per centum, other part thereof, on or before the twenty fourth day of March, then next ensuing; the sum of ten pounds per centum, other part thereof, on or before the twenty second day of April, then next ensuing; the sum of ten pounds per centum, other part thereof, on or before the twenty fourth day of May, then next enfuing; the fum of ten pounds per centum, other part thereof, on or before the twenty first day of June, then next ensuing; the sum of ten pounds per centum, other part thereof, on or before the twenty first day of July, then next ensuing; the sum of ten pounds per centum, other part thereof, on or before the twenty third day of August, then next enfuing; and the remaining fum of ten pounds per centum, on or before the twentieth day of September, then next following: all which annuities, so to be purchased, shall be paid and payable at two of the most usual feasts or days of payment in the year; that is to fay, the feafts of the annunciation of the bleffed virgin Mary, and of Saint Michael the archangel, by even and equal portions, or within fix days after every of the faid feast First payment days; the first payment thereof to be due and payable at the feast of the annunciation of the bleffed Virgin Mary, which shall be in the year of our Lord one thousand seven hundred and forty nine, or within fix days after the faid feast day: nevertheles the said annuities shall be redeemable according to the purport and true meaning of a provide or condition herein after mentioned in that behalf, and not otherwise; and the said cashier or cashiers of the faid governor and company of the bank of England for the time being, is and are hereby authorized and required forthwith to give receipts in writing, figned by himfelf or themfelves, to fuch contributor or contributors, for all fums of money by them deposited with, or paid unto such cashier or cashiers before the passing of this act; as also for such other sum or sums of money as shall hereafter be advanced or paid to him or them by any fuch contributors or payers thereof; which receipts shall be affignable by indorfement thereupon made, at any time be-Cashier to give fore the twentieth day of September, one thousand seven hundred and forty eight, and no longer; and the faid cathier or cashiers are hereby required to give security to the good liking of any three or more of the commissioners of the treasury now being, or of the high treasurer, or commissioners of the treasury for the time being, for duly answering and paying into the receipf of his Majesty's exchequer, all the monies which he or they have already received by way of deposite, or otherwise, or shall hereafter receive, from time to time, of or for the said sum not exceeding fix millions three hundred thousand pounds, as fast as he or they shall receive the same, or any part thereof, and to account for all the monies so to be advanced and paid to him or them, in his Majesty's court of exchequer, according

25 March, **3749**-

Cashier of the bank to give receipts.

The receipts to be affiguable.

fecurity.

to the due course thereof. XII. And be it enacted by the authority aforesaid, That the Cafaier to give notes for de. said cashier or cashiers shall, and they are hereby authorized and required



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ten pounds, by way of additional capital, for every one hundred pounds by them respectively subscribed towards raising the laid fum of fix millions three hundred thouland pounds, for the purpoles aforefaid, as foon as the managers and directors, to be appointed for preparing and delivering out the faid tickets in

required to give a note or writing, figured by him or them, to livery of a fuch contributor or contributors, obliging himself or themselves ticket in the to deliver to such contributor or contributors, or their assigns, lottery for a ticket in the lottery herein after mentioned, of the value of subscribed,

the faid lottery, shall deliver to the said cashier or cashiers the books comprehending the faid tickets; which faid additional capital in tickets, as aforesaid, amounting in the whole to the fum of fix hundred and thirty thousand pounds, shall be attended with annuities after the rate of four pounds per centum which is to per annum, and shall be charged upon, and paid out of the faid carry 4 l. per feveral subsidies, rates, and duties by this act granted, at the fame half-yearly feast days, and in the same manner, as the annuities herein before made payable, in respect of the said principal fum of fix millions three hundred thousand pounds, are to be paid and payable, and subject also to the same proviso of redemption as is herein after contained in that behalf; and the faid notes or writings, to be figured and delivered by the faid cashier or cashiers to the said contributor or contributors, as aforesaid, shall be assignable by endorsement thereupon, made at any time before the faid twentieth day of September, one thoufand seven hundred and forty eight, and no longer.

XIII. And be it further enacted by the authority aforesaid, Cashier to pay That the faid cashier or cashiers shall, and they are hereby au- the monies inthorized and required to pay into the faid receipt of exchequer, to the exchenot only all such sum and sums of money, as have already been deposited with, or paid to them, by the faid contributor or contributors, towards raising the said sum of six millions three hundred thousand pounds, but also all such further sum or sums of money as shall be hereafter paid into their hands, at the respective days or times herein before limited and appointed for payment thereof, as fast as he or they shall receive the same; and that it shall and may be lawful to and for the commissioners of Treasury to his Majesty's treasurer, or any three or more of them now being, apply the meor the high treasurer, or any three or more of the commissi- fervices voted oners of the treasury for the time being, from time to time, to by parliament. iffue and apply all fuch fum or fums of money as shall be so paid in the faid receipt, by the said cashier or cashiers, towards the faid fum of fix millions three hundred thousand pounds, to fuch fervices as shall then have been voted by the faid commons of Freat Britain in this session of parliament.

XIV. And it is hereby enacted, That in the office of the ac- Contributors comptant general of the governor and company of the bank of names, &cc to England for the time being, there shall be provided and kept a be entered in book or books, in which there shall be fairly entered the names the office of of all who shall be the contributors for such annuities, after the the accomptant of four pounds are contributors for such annuities, after the ant general of rate\_of four pounds per centum per annum as aforefaid, and of the bank.

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all persons by whose hands the said contributors shall pay in any of the faid sums upon this act, and also the sums so paid; and it shall and may be lawful for the said respective contributors, their executors, administrators, successors, and assigns, from time to time, and at all seasonable times, to have resort to, and inspect the said book or books without any fee or charge; and the faid accomptant general for the time being, shall, on or before be transmitted the twenty fourth day of June, one thousand seven hundred and fifty, transmit an attested duplicate fairly written on paper, of the faid book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

The monies appropriated to payment of the annuities,

Duplicate to

into the audi-

tor's office.

XV. And it is hereby enacted by the authority aforesaid, That all and every contributor and contributors upon this act, duly paying the whole confideration or purchase money, at the rate aforesaid, at or before the respective days and times in this act limited in that behalf, for such annuity or annuities as aforesaid, or fuch as he, she, or they shall appoint, his, her, or their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intitled by virtue of this act, to have, receive, and enjoy, the respective annuity and annuities to be purchased, together with the annuity or annuities made payable by this act, in respect to the said additional capital as aforesaid, out of the monies by this act appropriated or appointed for payment thereof as aforefaid, and shall have good and fure estates and interests therein for ever, subject only to the proviso or condition of redemption, in this act afterwards contained concerning the same; and that all the several and respective annuities, payable in pursuance of this act, after the rate of four pounds per centum per annum, on all and every the principal fums for which the lame are payable, shall be free from

free from taxes.

Contributors to be allowed 5 l. per cent.

all taxes, charges, and impolitions whatfoever. XVI. And it is hereby provided and enacted by the authority aforesaid, That all and every person and persons who shall become interested in, or intitled unto any annuity or annuities, part of the faid fum of fix millions three hundred thousand pounds subscribed for in pursuance of this act, who shall, before the passing of this act, have advanced or paid, or shall hereafter advance and pay to the faid cashier or cashiers, the whole, or any part of the remaining purchase-money, payable in respect thereof, at or before any of the respective days or times herein limited or appointed for payment thereof, fuch person or persons shall be allowed interest after the rate of five pounds per centum per annum, for all and every such sum and fums of money as shall be so advanced and paid to such cashier or cathiers, by any such contributors as aforesaid, to be computed from the day on which such actual payment shall have been made, to Michaelmas, one thousand seven hundred and forty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and required to cause the faid

interest

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interest to be paid upon such respective sums, as shall be so advanced accordingly, out of the monies to be contributed in pur- The annuities fuance of this act; and in case any such person or persons shall to be transfercompleat the payment of the whole purchase money, payable able at the for any fuch annuities, he, she, or they shall have such respective sums, as they shall become interested in, or intitled unto, forthwith placed to the credit of the faid contributors, and made transferrable in the books of the bank of England, by this act

appointed to be kept for that purpole.

XVII. Provided, That in case any such contributors as a- Contributors foresaid, who have already deposited with, or paid to the said who have paid cashier or cashiers any sum or sums of money at the times, and part, and not in the manner before-mentioned, in part of his, her, or their the whole, purchase-money, or his, her, or their executors, administrators, fucceffors, or affigns, do not advance and pay to the faid cashier or cashiers the sum of ten pounds per centum, in further part of his, her, or their consideration-money, so to be paid for such respective annuity or annuities as aforesaid, on or before the twenty leventh day of February, one thousand seven hundred and forty seven; and the sum of ten pounds per centum, other part thereof, on or before the twenty fourth day of March then next enluing; and the lum of ten pounds per centum, other part thereof, on or before the twenty second day of April then next ensuing; and the sum of ten pounds per centum, other part thereof, on or before the twenty fourth day of May then next ensuing; and the sum of ten pounds per centum, other part thereof, on or before the twenty first day of June then next enfuing; and the fum of ten pounds per centum, other part thereof, on or before the twenty first day of July then next ensuing; and the sum of ten pounds per centum, other part thereof, on or before the twenty third day of August then next ensuing; and the remaining sum of ten pounds per centum, on or before the twentieth day of September then next following; then, and to forfeit what in every such case respectively, so much of the consideration- has been paid money as shall have been actually paid in part thereof only, to in. the faid cashier or cashiers, for such respective annuity, shall be forfeited for the benefit of the publick; any thing in this act

contained to the contrary notwithstanding. XVIII. And whereas it is intended, That every contributor of the fum of one hundred pounds, towards raising the said sum of fix millions three bundred thousand pounds, shall have and be intitled unto an additional capital of ten pounds in a lottery ticket, which tickets are to be prepared, and the lottery to be drawn, in manner herein after mentioned; be it therefore further enacted by the authority aforesaid, That such persons as the commissioners of his Ma-Treasury to jesty's treasury, or any three or more of them now being, or appoint manathe high treasurer, or any three or more of the commissioners gers of the of the treasury for the time being, shall nominate or appoint, lottery. shall be managers and directors for preparing and delivering out tickets, and to overfee the drawing of lots, and to order, do, and perform such other matters and things as are hereafter in

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Managers to meet together for executing their powers.

Method of the lottery books.

and by this act directed and appointed by fuch managers and directors to be done and performed; and that such managers and directors shall meet together, from time to time, at some publick office or place for the execution of the powers and trufts in them reposed by this act; and that the said managers or directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns, and upon the innermost of the said three columns there shall be printed lixty three thousand tickets, &c.

Eight thousand seven hundred and fifty tickets shall be fortunate, three of them ten thousand pounds principal, four five thousand pounds, seven two thousand pounds, nineteen one thousand pounds, thirty nine ave hundred pounds, one hundred and feventy one one hundred pounds, four hundred and forty two fifty pounds, eight thousand and fixty five twenty pounds; which sums, with five hundred pounds to the first drawn ticket, and one thousand pounds to the last drawn, will amount to three hundred and four thousand and five hundred pounds; which being added to three hundred twenty five thousand and five hundred pounds, the principal payable on the remaining fifty four thousand two hundred and fifty blank tickets, fix pounds each, amount to fix hundred and thirty thoufand pounds; to be converted into annuities in respect of the lottery. Time and place of drawing the lottery. Prizes to be entered in a book. A list of the prizes to be printed. Counterfeiting of tickets, certificates, or the numbers of them, felony. Persons selling shares in tickets of which they are not possessed to forfeit sool. The tickets to be exchanged for certificates. EXP.

Accomptant general to the fums named in the certificates;

transferred,

Certificates to be cancelled, and notes given.

XXXI. And be it further enacted by the authority aforefaid, That the faid accomptant general of the bank of England for the time being, to whom the faid certificates are to be directed as give credit for aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named, in the same book or books, to be by him provided and kept for that purpose, for the principal sums contained in every such certificate; and which may be the persons to whose credit such principal sums shall be entered in the faid book or books, his, her, or their executors and administrators shall and may have power to assign and transfer the fame, or any part, share, or proportion thereof, to any other perfon or persons, bodies politick or corporate whatsoever, in other books, to be prepared and kept by the faid accomptant general and carry 4 per for that purpose; and the principal sums so assigned or transcent. interest. ferred, shall carry the said annuity of four pounds per centum per annum, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authorities herein after mentioned, until the redemption thereof as aforesaid; and the faid accomptant general of the bank of England for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him, and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the fame.

XXXII. And

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XXXII. And for the more easy and sure payment of the feveral and respective annuities, amounting to six millions three hundred thousand pounds, by this act authorized to be purchased as aforesaid, as also of the several annuities payable in respect of the said additional capital, by way of lottery as aforefaid; it is hereby further enacted by the authority aforesaid, That the faid governor and company of the bank of England, and their successors, shall from time to time, until the said several and respective annuities, after the rate of four pounds per rentum per annum, shall be redeemed according to this act, ap- Cashier and point and employ one or more sufficient person or persons with- accomptant in their office in the city of London, to be their chief or first appointed. cashier or cashiers, and one other sufficient person, within the fame office, to be their accomptant general; and that so much of the monies, from time to time arising into the said receipt of the exchequer, for the faid subsidies, rates, and duties by this act appropriated for this purpose, as shall be sufficient, from time to time, to answer the said several and respective annuities, and other payments directed to be paid and discharged out of the fame, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or successors for the time being, without any further or other warrant to be fued for, had, or obtained in that behalf, from time to time, at the respective half yearly feast days, or days of payment, in this act before appointed for payment thereof, be iffued and Monies for paid at the said receipt of exchequer, to the said first or chief paymentof the cashier or cashiers of the said governor and company of the be issued from bank of England, and their successors for the time being, by way the excheof imprest, and upon account for the payment as well of the said quer, &c. several and respective annuities to be purchased upon this act, as of the annuities payable in respect of the said additional capital by way of lottery, at fuch times, and in fuch manner and form, as are by this act prescribed in that behalf; and that all and every such cashier or cashiers, to whom the said monies shall from time to time be issued, shall from time to time, without delay, apply and pay the fame accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

XXXIII. And it is hereby also enacted, That the said ac- Accomptant comptant general for the time being, shall, from time to time, general to ininspect and examine all receipts and payments of the said cashier spect the caor cashiers, and the vouchers relating thereunto, in order to thiers reprevent any fraud, negligence, or delay; and that all and ceipts. every person and persons whatsoever, who shall be intitled to any Annuities to of the faid several and respective annuities, after the rate of four be a personal pounds per centum per annum, and all persons lawfully claiming estate, &co. under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of London, or

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otherwise; any law, statute, or custom to the contrary not-

withstanding.

The monies be a joint stock, &c.

XXXIV. And be it further enacted by the authority aforecontributed to faid, That all the monies to be advanced or contributed, or to which any person or persons shall become entitled to upon this act, for or towards the faid fum not exceeding fix millions three hundred thousand pounds, together with the additional capital by way of lottery, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said several and respective annuities, after the rate of four pounds per centum per annum, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money by him, her, or them advanced, or to which they shall become intitled as aforesaid, upon this act, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the faid whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the same, shall be affignable and transferrable as this act directs, and not otherwife; and that there shall constantly be kept at all seasonable times, in the office of the faid accomptant general for the time being, within the city of London, a book or books, wherein all affignments or transfers of the faid whole capital or joint stock, or any part thereof, and the proportional annuities attending the same, at the rate aforesaid, shall be entered and registered; to be figned by which entries shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, by writing under his, her, or their hands and seals, to be attested by two or more credible witnesses; and that the person or persons, to whom such transfer'shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of affigning or transferring the faid stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good or available in law.

and transferrable.

Book to be kept for transters,

the parties transferring and accepting.

Annuities devisable by will, &cc.

XXXV. Provided always, That any person or persons possessed of such stock, with the annuity or annuities attending the same, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that such devisee shall receive no payment thereupon, till so much of the faid will, as relates to the faid stock or annuity, be entered in the said office; and in default of such transfer or devise, the said stock and annuities attending the same, shall go to the executors or administrators; and that no stamp duties whatsoever shall be charged on the said transfers, or any of them; any other law or statute to the contrary notwithstanding.

The bank to continue a company till redemption of the annuities.

XXXVI. Provided always, and it is hereby enacted by the authority aforesaid, That the said governor and company of the bank of England, and their successors (notwithstanding the redemption of all or any their own funds, in pursuance of the acts tor



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for establishing the same, or any of them) shall continue a corporation, with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased on this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the faid governor and company, or any members thereof, shall not incur any disability for or by reason of

their doing any matter or thing in pursuance of this act.

XXXVII. And it is hereby enacted by the authority afore- No fee for faid, That no fee or gratuity whatsoever, shall be demanded or payment of taken of any of his Majesty's subjects, for receiving or paying contributionthe faid contribution-monies, or any of them, or for any tallies money, or for or receipts concerning the same, or for issuing the monies for paying the faid feveral annuities, or any of them; and that no transfers. fee or gratuity shall be demanded or taken for any transfer, of any sum great or small, to be made in pursuance of this act; upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit Penalty. the sum of twenty pounds to the party grieved, to be recovered with full costs of suit, in any of his Majesty's courts of record

at Westminster.

XXXVIII. Provided always, and be it enacted by the au-Treasury to thority aforesaid, That the commissioners of the treasury, or pay the charany three or more of them now being, or the high treasurer, or ges of this act any three or more of the commissioners of the treasury for the out of the dutime being, shall have power, and they are hereby authorized out ties, of the said several subsidies, rates, and duties by this act granted and appropriated as aforefaid, to discharge all such incident charges, as shall necessarily attend the execution of this act, in fuch manner, as to them shall seem just and reasonable; and al- and appoint fo to settle and appoint such allowances, out of the contributions salaries for the to the annuities granted by this act as aforesaid, as they shall cashiers and think just and reasonable, for the service, pains, and labour of other officers. the cathier or cashiers of the governor and company of the bank of England, for receiving and accounting for the faid contributions; and also such further allowances (out of the said subsidies, rates, and duties by this act appropriated) as they shall think just and reasonable, for receiving, paying, and accounting for, the feveral and respective annuities, payable in respect thereof; and also for the service, pains, and labour of the accomptant general of the said governor and company, for performing the duty and trust incumbent on him by this act; all which allowances hereby impowered to be made as aforefaid, in respect of the service, pains, and labour of any officer or officers of the faid governor and company, shall be for the use and benefit of the faid governor and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

XXXIX. And it is hereby enacted by the authority afore- Deficiencies to faid, That if at any time or times the produce of the faid feve- be made good. ral subsidies, rates, and duties shall happen to be so low or deficient as that the monics arising therefrom into the exchequer,

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Gall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid thereout, at any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid, then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of the overplus monies, that shall or may happen to arise and be paid into the exchequer in any of the subsequent half years, as the said respective annuities shall, from time to time, become due and payable; and in case fuch overplus monies shall not be sufficient to satisfy the deficiencies hereby intended from time to time to be paid thereout, that then, and in every tuch case, the deficiencies so from time to time happening, shall, from time to time, be answered and made good by and out of the first supplies which shall be granted in parliament next after such deficiencies shall appear; and in case no fuch supplies shall be granted within fix months next after fuch deficiencies shall happen, then the same shall be made good out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer, of the furplusses, excesses, or overplus monies, commonly called The sinking fund, (except such monies of the same sinking fund as are appropriated to any particular use or uses by any sormer act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be from time to time issued and applied accordingly; and if at any time or times before any monies of the faid subsidies, rates, and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities aforesaid, which shall be actually incurred and grown due at any of the faid half-yearly days of payment before mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the faid finking fund (except as before excepted) and be iffued accordingly.

Sinking fund

XL. Provided always, and be it enacted by the authority ato be replaced. foresaid, That whatsoever monies shall be so issued out of the said sinking fund, shall from time to time be replaced by and out of the first supplies, to be then after granted in parliament.

Surplus monies how to be applied.

XLI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arifing by the said several subsidies, rates, and duties, after the faid several and respective annuities, and other payments or charges by this act directed to be paid thereout, and all arrears thereof are satisfied, or money sufficient shall be referved for that purpose, such surplus or remainder thall, from time to time, be referved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by any future act or acts of parliament; any thing in this, or any former or other act or acts of parliament notwithstanding.

Clause of redeinption.

XLII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice to be printed



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printed in the London Gazette, and affixed upon the Royal Exchange in London, by authority of parliament, at any of the halfyearly feast days, for payment of the said several and respective annuities, and upon repayment by parliament, of the principal fum of fix millions three hundred thousand pounds, and also upon payment of the faid additional capital of fix hundred and thirty thousand pounds, amounting together to the principal sum of fix millions nine hundred and thirty thousand pounds, for which the faid respective annuities are payable to such respective persons or corporations, as shall be intitled to the same annuities, and also upon full payment of all arrearages of the same annuities; then, and not till then, the faid respective annuities shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arising from the faid several subsidies, rates, and duties by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this, or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons signified by the speaker in writing, to be inferted in the London Gazette, and affixed on the Royal Exchange of London as aforefaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XLIII. And it is hereby enacted by the authority aforesaid, That if any person or persons shall be sued, molested, and prosecuted for any thing done by virtue or in pursuance of this act, or any the clauses therein contained, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his or their defence; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonsuited, or judgement shall be given him or them, upon demurrer, or otherwise, then such defendant or defendants shall Treble costs. have treble costs to him or them awarded against such plaintiff

or plaintiffs.

CAP. III.

An all to revive and make perpetual two alls of parliament, one made in the twelfth year of the reign of his late majefly King George the First, intituled, An alt to prevent frivolous and vexatious arrests; and the other made in the fifth year of his present Majesty's reign, to explain, amend, and render more effectual the said alt.

WHEREAS great benefit both accrued to this kingdom by an act of parliament, passed in the twelsth year of the reign of 12Geo.1.c.29. his late majesty King George the First, intituled, An act to prevent frivolous and vexatious arrests, which was to continue in sorce from the twenty sourth day of June, one thousand seven hundred and twenty six, for the term of sive years, and from thence to the end of the then next session of parliament; and which by another act made in the sisth year of his present Majesty's reign, was explained,



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amended, and rendered more effectual, and further continued for the term of seven years, and from thence to the end of the then next seffien of parliament; which said act, so amended and explained, was, by a clause in an all made in the thirteenth year of the reign of his present Majesty, continued until the first day of June, one thousand Seven hundred and forty seven; which said att so passed in the twelfth year of his said late Majesty's reign, and also the said att for explaining and amending the same, passed in the fifth year of his pre-Sent Majesty's reign, are now expired; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That the faid act passed in the twelfth year of his late Majesty's reign, together with the said act which passed in the fifth year of his present Majesty's reign, explaining, amending, and rendering more effectual the same, shall be, and are by virtue of this act revived, and shall be in force, from and after the fourteenth day of February, one thousand seven hundred and forty seven, for ever,

The faid acts revived, and made perpetual.

## CAP. IV.

An act to prohibit affurance on ships belonging to France, and on merchandizes or effects laden thereon, during the present war with France.

Affurance on ships or merchandizes belonging to France, prohibited during the present war; and contracts for such policies declared void. 500l. penalty on persons making affurance on French ships or effects. Exp.

## CAP. V.

An act for repairing the high road from the town of Bowes, in the county of York, to Barnard Castle, in the county of Durham, and from thence through Staindrop to Newgate in Bishop Aukland, and from Newgate along Gibb Chair to Gaundless Bridge, and from thence by Melderston Gill, otherwise Coundon Gill, to the turnpike road near Sunderland Bridge, in the county of Durham.

Certain tells granted for 21 years, &cc.

## CAP. VI.

An act for punishing mutiny and desertion, and for the better payment of the army and their quarters. Exp.

## CAP. VII.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight. EXP. At 43. in the pound.

## CAP. VIII.

An act for impowering George Montgomerie, and Thomas Bard, efquires, and Ezra Patching, to complete an undertaking, for furnishing the inhabitants of the several parishes and places of Stratford, Westham, Bromley, Bow, Mile-End, Stepney, and other parishes and places adjacent with water; and for better securing their property in such undertaking.

CAP. IX.

An act to indemnify persons who have omitted to qualify themselves for offices and employments within the time limited by law; and for allowing further time for that purpose. EXP.

Furthermime to 18 Nov. 1748, allowed to persons who have omitted to qualify themselves. None to be restored to places already avoided by judgement, or filled up,

CAP,



1748.]

## CAP. X.

An act for explaining, amending, and further enforcing the execution of an act passed in the last session of parliament, intituled, An act for repealing feveral rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights, and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the faid rates or duties.

WHEREAS by an act of parliament made and passed in the 20 Geo. 2. C.3. twentieth year of the reign of his present Majesty, (intituled, An act for repealing the several rates and duties upon houses, windows, and lights; and for granting to his Majesty other rates and duties upon houses, windows, or lights; and for raising the sum of four millions four hundred thousand pounds by annuities, to be charged on the faid rates or duties) it was enacted, That there should be charged, raised, levied, and paid unto his Majesty, his heirs and successors, the several rates and duties upon houses, windows, or lights, in the said att mentioned; and divers provisions were made, and directions given by the said act, for the affessing, raising, collecting, levying, and paying of the several rates and duties thereby granted: and whereas doubts have arisen concerning the construction of the said act; and the provisions made thereby for the assessing, charging, raising, and paying of the said rates and duties have proved ineffectual to answer the purposes intended by the said act; and the times appointed by the said act for hearing and determining of appeals have been found to be inconvenient: therefore, for the obviating and removing of all doubts, and to the end that the said rates and duties may for the future be rated, asses, fed, and raised in one uniform and equal manner throughout Great Britain; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and after Windows in the twenty fifth day of March, one thousand seven hundred and houses contiforty eight, every kitchen, scullery, buttery, pantry, larder, guous to, or washhouse, laundry, bakehouse, brewhouse, and lodging-room the dwellingbelonging to, or occupied with any dwelling-house, whether the house, to be same hall or shall not be within, or contiguous to, or disjoined charged. from the body of such dwelling-house, shall be deemed and taken to be part of fuch dwelling-house; and all windows or lights therein shall be accordingly charged with the rates and duties granted by the faid act.

II. And whereas doubts have been raised, whether sky-lights, or windows or lights in stair-cases, garrets, cellurs, passages, and some other parts of dwelling-houses, are chargeable with the said tax, by vir:ue of the faid att; be it declared and enacted by the autho- Sky lights to rity aforesaid, That sky-lights, and windows or lights in the said be charged.

places,

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Penalty on

fied.

acting, who

20 Geo. 2.

Power given

to the com-

missioners to

abate the alfesiments, re-

Affeilments delivered to

the commit-

fioners not to

on a general

appeal-day.

enlarge or

pealed.

C. 3. 1. 8.

are not quali-

### Anno vicesimo primo Georgii II. c. 10. 1748.

places, and in all other parts of dwelling-houses, to what use or purpose soever applied, were, are, and shall be deemed to be

chargeable with the faid duties.

III. And be it further enacted by the authority aforesaid, That no person who now is, or hereafter shall be named or appointed a commissioner for putting in execution any act of parliament for granting an aid to his Majesty by a land tax to be raised in Great Britain, shall act as a commissioner for putting commissioners in execution the powers granted by the said act, or this prefent act, for raising the said duties upon houses, windows, or lights, unless such person shall be duly qualified to act as a commillioner for putting any such act in execution, on pain of forfeiting, for every such acting, the sum of twenty pounds, to be levied as other penalties and forfeitures are by this act directed to be levied.

> IV. And be it further enacted by the authority aforesaid, That that part of the said act, whereby the commissioners thereby appointed for putting the same in execution have power to enlarge, alter, abate, or diminish the assessments to be delivered to the faid commissioners, before such commissioners shall have fet their hands to fuch respective affessiments, testifying their allowance thereof, shall be, and the same is hereby re-

pealed.

V. And be it further enacted, That from and after the said twenty fifth day of March, one thousand seven hundred and forty eight, no affessment which shall be made or delivered to the be altered, but faid commissioners, or any three or more of them, pursuant to upon hearing the faid act, or this present act, shall be altered or diminished before the time herein after appointed, or directed to be appointed, for the hearing and determining of appeals, and then only upon the faid commissioners hearing the matter of the appeal particularly relating thereto, or concerning the same, upon a

general appeal-day.

Surveyors to of furcharge, houses and windows current year.

VI. And be it further enacted by the authority aforesaid, certify, by way That the surveyor or surveyors of the rates and duties granted by the faid act, appointed or to be appointed, as in the faid act is mentioned, shall twice in every year, to wit, on or before the tenth omitted in the day of August, and tenth day of January yearly, certify in writing, under his or their hand or hands, by way of furcharge, to any three or more of the faid commissioners, what dwelling-houses, windows, or lights have been omitted to be charged with the faid rates and duties in the affessment made of the same, for the then current year; and that thereupon, and upon oath being first made, that notice was left in writing at the dwelling-houses ccupiers, and of the several occupiers so charged or surcharged by virtue of fuch certificate, that the surveyors intended to charge them in tify the affest. such manner, and for such number of windows or lights as they shall be charged for by virtue of such certificate, the said commissioners, or any three or more of them, shall cause such asfessments to be rectified according to such certificate, and deliver-

Notice to be given to the the commif-1 oners to recments.

Anno vicesimo primo Georgii II. c. 10. 1748.

ed to the collectors; and the faid rates and duties to be levied

accordingly.

VII. And be it further enacted by the authority aforefaid, Claufes in the That those parts of the said act whereby it is enacted, That the act relating to day or days of appeal which should be appointed by the said a certain time commissioners, should be within thirty days from the respective repealed. quarterly days, by the faid act appointed for payment of the faid 20 Geo. 2. rates and duties; and that all appeals once heard and determin- c. 3. f. 11. ed by the faid commissioners, or any three or more of them, or the major part of them then prefent, on the day or days by them appointed for hearing appeals, should be final without any further appeal; and that all questions and differences that should arife, touching any of the faid rates and duties, should be heard and finally determined by three or more of the commissioners, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or fuit in law, shall be, and the same are hereby repealed; and that from and after the Commissionfaid twenty fifth day of March, one thousand seven hundred and ers to appoint forty eight, all fuch appeals as shall be made to the said com-days for apmissioners, between the twenty sifth day of March, and the peals. twentieth day of August yearly, shall be heard and determined by the faid commissioners upon such days as shall by them be appointed for the hearing of such appeals, between the twentieth day of August, and the fifteenth day of September following; and that all such other appeals as shall be made to the faid commissioners, between the twenty ninth day of September, and the twentieth day of January following yearly, shall be heard and determined by the faid commissioners, upon such other days as shall be appointed by the said commissioners for the hearing thereof, between the twentieth day of January, and the tenth day of February following yearly.

VIII. And be it further enacted by the authority aforesaid, No abatement That the said commissioners, or any of them, shall not upon to be made, the hearing of any appeal, make any abatement or defalcation unless it apin the charge or furcharge made upon any person by the said pears on oath affeffment, or the furcharge of the faid furveyor, but the fame fon is overshall stand good and remain part of the annual affestment, un-rated. less it shall then appear to the said commissioners, by examination upon oath, that fuch person is over-rated in and by the faid affestment, or the faid surcharge; and every person intending to appeal to the said commissioners shall, and is hereby re- Ten days noquired to give at the least ten days notice thereof in writing to fice to be the faid furveyor, or to one or more of the affesfors of the pa- given of aprish wherein fuch person is rated, of such intention to appeal; peals. and fuch furveyor and affelfors may then and there attend to Affelfors and justify the said affestment and surcharge; and such surveyor and appellant to affessors, and appellant, unless they misbehave, shall have full be present. and free liberty to be prefent during all the time of hearing fuch respective appeal, and of the said commissioners determining the

III. And be it further enacted by the authority aforesaid, That

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to be final.

Exception.

Surveyor or appellant in England dillatisfied,

the commitfioners to state the case to be transmitted to one of the judges,

his opinion, and the affeffby.

Surveyor or appellant in Scotland difsatisfied, to manner, &c.

Determination of the to stand with respect to payments due.

Appeals heard That all appeals once heard and determined by the faid commissioners, or any three or more of them, or the major part of them then present on the day or days by them appointed for hearing of appeals, shall be final, except as is herein after directed.

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X. And be it further enacted by the authority aforesaid, That if either the faid furveyor, or the person so appealing in that part of Great Britain called England, or in Wales, or in Berwick upon Tweed, shall apprehend the determination made by the said commissioners to be contrary to the true intent and meaning of this and the faid former act, and shall then declare himself disfarisfied with such determination, it shall and may be lawful to and for fuch surveyor, or person respectively, to require the said commissioners to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners, or the major part of them then present, are hereby required to state and sign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him transmitted to one of the justices of the court of King's Bench or Common Pleas, or to one of the who is to give barons of the coif of the Exchequer for the time being; and every fuch justice and baron is hereby required, with all convenient ment to be re- speed, to return an answer to such case so transmitted, with his gulated there- opinion thereupon subscribed thereto, according to which opinion to certified the affestment which shall have been the cause of such appeal shall be altered or confirmed; and that if either the said furveyor, or the person so appealing in that part of Great Britain called Scotland, shall apprehend the determination made by the faid commissioners to be contrary to the true intent and meanproceed in like ing of this and the said former act, and shall then declare himfelf diffatisfied with fuch determination, it shall and may be lawful to and for such surveyor, or person distatisfied respectively, to require the faid commissioners, or the major part of them then present, to state specially and sign the case upon which the question arose, together with their determination thereupon; which case the said commissioners are hereby required to state and fign accordingly, and to cause the same to be delivered to the party making such request as aforesaid, to be by him transmitted to one of the judges of the court of session, or of the barons of the exchequer in Scotland; and every fuch judge and baron is hereby required, with all convenient speed, to return an answer to such case so transmitted, with his opinion thereupon fubscribed thereto, according to which opinion so certified the affestment which shall have been the cause of such appeal shall be altered or confirmed: provided always, That notwithstanding any such case so transmitted to any of the said justices, judges, or barons, the determination of the faid commissioners shall stand commissioners with respect to the payments which shall become due precedent to the opinion certified by any fuch justice, judge, or baron, upon fuch cafe.

> XI. And whereas, in order to evade the payment of the duties mon windows

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windows or lights, several windows or lights in several dwellinghouses have been fraudulently, and not effectually stopped up; be it therefore enacted by the authority aforefaid, That no window Regulations or light shall be deemed to be stopped up, unless such window concerning or light shall be stopped up effectually with stone, or brick, or windows. plaister upon lath, or upon any other materials commonly used to plaister upon, or with the same kind of materials whereof the outfide of fuch dwelling-house doth chiefly consist.

XII. Provided always, That nothing in this act shall be con- Proviso for ftrued to extend to any windows which were really and bona fide windows stopstopped up with any materials whatsoever before the making of ped before the faid act of the last session of parliament; any thing herein contained to the contrary notwithitanding.

XIII. And be it further enacted by the authority aforefaid, None to gain That the payment of any of the rates and duties granted by the a settlement faid act, by any occupier or occupiers of any dwelling-house or by payment of houses in any parish or place, shall not entitle the person or perhouses in any parish or place, shall not entitle the person or perfons so paying such rates or duties to a legal settlement in such

parish or place.

XIV. And be it further enacted by the authority aforefaid, Penalty of ob-That if any person or persons shall at any time hereafter wil- structing offifully obstruct or molest any affestor or affestors, surveyor or sur- cers. veyors, in the due execution of his or their faid office or offices, duty or duties respectively, such person or persons shall, for every fuch offence, forfeit the fum of five pounds, to be levied in fuch manner as the rates and duties granted by the faid act are directed to be levied.

XV. And be it further enacted, That all fines, penalties, and Fines, &c. forfeitures, which shall be levied by warrant under the hands and levied by warseals of three or more of the commissioners appointed by the rant to be paid faid act, or by this present act, pursuant to the directions of and to the collecin the faid act, or of this present act (save only and except one except the moiety of fuch fines, penalties, and forfeitures, as thall be im- moiety due to posed and levied for and in respect of the opening of any window the informer; or light, after the same is stopped up, without giving such notice as is required by the faid act, which shall be paid to the perfon who shall give notice or information of the opening such window or light) shall be respectively paid to the collector or collectors of the parish or place within which the same shall be so levied; and the same shall be respectively added to the re- and to be addspective assessments of the said rates and duties, within, or for ed to the assuch parish or place respectively delivered or to be delivered to sellments, &c. the collectors, and also to the duplicates, within, or for the same parish or place, and be given in charge to the respective receivers general, and be paid to them respectively, together with and amongst the said rates and duties, and be paid into the receipt of his Majesty's exchequer.

XVI. And be it further enacted by the authority aforesaid, Clauserelating That that part of the said act, whereby the commissioners there- to the powers by appointed for putting the same in execution, have power of given to comrating and affelling any other commissioners or affestors, who re- missioners to

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other repealed. fide or dwell in the respective divisions, for which they act for, or 20 Geo.2. c. 3. in respect of the said duties on houses, windows, or lights thereby granted, shall be, and the same is hereby repealed; and that ers to be rated from and after the faid twenty fifth day of Mirch, one thousand feven hundred and forty eight, the feveral commissioners and affestors residing in any county, shire, stewartry, or other place, shall be affested for such rates and duties, by the affestors appointed for the respective place or places wherein such commisfioners and affesfors reside, in the same manner as any other perfons residing there are rated or affested; any thing in this or the faid former act to the contrary in any wife notwithstanding.

Commissioners to cause arrears to be

XVII. And whereas it may happen, that several arrears of the faid duties upon houses, windows, or lights, granted by the Said former acts, may from time to time remain unsatisfied and unpaid, which ought to have been levied and paid at the times and in the manner by \* the faid acts directed; be it therefore enacted and declared by the authority aforesaid, That in all such cases, it shall and may be lawful to and for the respective persons, who are or shall be nominated or appointed commissioners for putting the said former and this present act in execution for the time being (being duly fworn and qualified as aforesaid in that behalf) or so many of them as are thereby impowered to cause the said respective duties to be affested, levied, and paid, to cause the monies, so from time to time in arrear and unpaid as aforefaid, to be raised, levied, and collected by the respective collectors of the several parithes or places, thires or boroughs, where fuch arrears thall happen, by the same ways and means, and in the same manner, and under the like penalties, as are directed and appointed by the faid former or this pretent act, with respect to the raising or levying the faid duties; and the monies to received by the faid collectors for any fuch arrears, shall be paid to the respective receivers general where fuch arrears shall happen, to the end the lame may be paid into the receipt of his Majetty's exchequer, for the purposes in the said acts mentioned.

Windows in the inns of court how to be rated.

XVIII. And whereas doubts have arisen, in what manner the said duties should be rated and paid within the several inns of court and chancery, be it further enacted and declared, That every inhabitant, or occupier of any chamber in the faid inns of court or chancery, shall be rated and pay for every window or light in his chamber the fum of one shilling.

Persons rent-2 S.

XIX. Provided always, That no inhabitant or occupier of ing chambers, any such chamber shall be compelled to pay, or to contribute not chargeable towards the payment of the duty of two shillings, charged by to the duty of the said act, and made payable by the inhabitant or occupier of a dwelling-house inhabited.

Officers, &c. fued, may plead the

XX. And be it further enacted by the authority aforefaid, That if any action, plaint, fuit, or information, shall be brought, commenced, or profecuted against any commissioner or commissioners, affesfor or affesfors, collector or collectors, surveyor or surveyors, or other person or persons, for or concerning any act, matter, or thing, that he, they, or any of them, shall do or cause to be done,

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in pursuance or execution of the said act, or of this present act, General issue. in England, Wales, or Berwick upon Tweed, such person or perfons so sued in any court whatsoever, shall and may plead the general iffue, not guilty, and upon iffue joined, may give the faid act, and this present act, and the special matter in evidence; and if the plaintiff shall become nonsuit, or forbear further profecution, or fuffer a discontinuance; or if a verdict pass against him, the defendants shall recover treble costs, for which they shall have the like remedy, as in cases where costs by law Treble costs.

are given to defendants.

XXI. And whereas it hath been found by experience, that the powers granted by the said att for charging, raising, levying, and colletting of the duties aforesaid upon the windows or lights liable to the fame in that part of Great Britain, called Scotland, have been ineffeetual; be it further enacted by the authority aforefaid, That Power to furthe furveyor or furveyors, appointed or to be appointed as by veyors in Scotthe faid act is directed, shall have power, twice in the year, to land for viewenter into, and pass through any house or houses, within any ing of houses. city or royal burgh in Scotland, and view the same internally as well as externally, and to view any other house or houses in Scotland externally, and in like manner, as surveyors are impowered to view houses by the said act, for the purposes in the faid act mentioned; any thing therein contained to the contrary notwithstanding.

XXII. And be it further enacted, That the said rates and The rates in duties, by the faid act granted as aforefaid, with respect to lights Scotland to be or windows of dwelling-houses in Scotland, liable for the same, paid halfshall be paid by the inhabitants or occupiers for the time being, yearly. of the respective dwelling-houses in which such lights or windows are contained, his, her, or their heirs or executors respectively, half-yearly, at the days of payment following; that is to fay, the twenty ninth day of September, and twenty fifth day of March, by even and equal portions, the first payment thereupon to be made the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and forty eight, for the half year, commencing from the term of Whitfunday, and ending at the term of Martinmas in the said year; and the second payment to be made the twenty fifth day of March aforesaid, which shall be in the year one thousand seven hundred and forty nine, for the half year, commencing from the said term of Martinmas, one thousand seven hundred and forty eight, and ending at the term of Whitsunday, in the year one thousand seven hundred and forty nine, and so on half-yearly thereafter.

XXIII. And be it further enacted, That for the execution of Commissionthe faid act with regard to Scotland, and for the charging, order- ers for the ing, raising, collecting, levying, and paying of the several rates land tax in and duties by the said act granted, and chargeable for or in re- be commisspect of the windows or lights of any dwelling-house there, all sioners for and every the persons named or appointed to be commissioners this act. for putting in execution an act of this present session of parliament, intituled, An ast for granting an aid to his Majefly by a land

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afore-

Times and places of meeting.

tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight, or who shall hereafter be named or appointed commissioners for putting in execution any future act or acts of parliament, for granting an aid to his majesty, his heirs or successors, by a land tax in Great Britain, in and for the several shires, stewartries, cities, or boroughs in Scotland, being duly qualified as aforesaid, shall be commissioners for putting in execution this present act, and the powers therein contained, within and for the respective shires, stewartries, cities, or boroughs within Scotland, for which they severally are or shall be named and appointed commissioners of the land tax as aforesaid; which said commissioners, in order to the speedy execution of this act, shall meet together at the most common or usual place of their meeting as commissioners of the land tax, within their respective shires, stewartries, cities or boroughs, on or before the first Wednesday of July, one thousand seven hundred and forty eight, for charging and ordering the first of the two half-yearly payments before-mentioned, and on or before the first IVednesday of Fanuary next thereafter, for charging and ordering the fecond of the faid half-yearly payments before-mentioned, and in like manner shall meet yearly and every year on the first Wednesday of each of the said two months of July and January, for the charging and ordering of the payments for the half-year, current at and on the faid respective days; and the faid commissioners, or so many of them as shall be present at any of the meetings to be held on the faid stated days, shall direct their precept or precepts (under the hand of fuch one of them, as shall, by the major part of those met, be elected preses of the meeting) to such inhabitants of every parish, within their several thires, stewartries, cities, or boroughs, and such number of them as the major part of the commissioners so met shall in their discretions think most convenient to be assessors, to the effect aftermentioned, requiring them to appear before the faid commiffioners in their faid usual place of meeting, at a day to be specified in the faid precept or precepts, which shall not exceed ten days, from the stated day of meeting aforesaid; and at and on the day so prefixed, the said commissioners shall again meet, and shall then openly read or cause to be read to the inhabitants of each parish, required to appear as aforesaid, or such of them as shall appear, the several rates and duties in the said act, and openly declare the effect of their charge unto them, and how or in what manner they ought and should make their certificates and affest-Affestors to be ments according to the several rates aforesaid, and shall then and there administer an oath to the said inhabitants, or such of them as shall be there present, and shall be appointed assessors by the faid commissioners, for the due and faithful administration of their faid office, and prefix another day, not exceeding fifteen days longer, for the said persons to appear again before the said commissioners, and the said persons shall then appear accordingly, and bring in their certificates in writing under their hands, of every dwelling-house, inhabited and charged bythe

fworn.

Days to be prefixed for bringing in certificates.

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aforesaid act, within the limits of those parishes for which they severally act, and of the number of windows or lights in each house, together with the names of the several occupiers or inhabitants of each respective dwelling-house aforesaid, and of the leveral lums of money which they ought to pay by virtue of the faid act, without concealment or favour, upon pain of forfeiture of any fum, not exceeding five pounds, nor less than forty shillings, sterling money, to be levied as by this act is appointed; and that the said commissioners, or the major part of them as thall be present, thall, upon the day appointed for the first general meeting of the commissioners of shires and stewartries, Collectors to cities and boroughs, for the land tax, granted for the service of be appointed; the year, one thousand seven hundred and forty eight, by the act of this present session of parliament before mentioned, and so on such day as thall be appointed for the first general meeting of the faid commissioners for the land tax, to be granted for the fervice of any subsequent year by any future act or acts of parliament, granting an aid to his Majesty by a land tax, elect and chuse some one fit person to be collector of the said rates and duties arising within the shire, stewartry, city, or borough for which the laid commissioners are commissioners, and shall take bond with sufficient caution from him, for his due and faithful who are to administration of his said office, and for his duly paying over at give security. Edinburgh the rates or duties and other fums to be by him collected by virtue of the said act, or this present act, within forty days after the terms before-mentioned, appointed for payment thereof, unto such person as shall, from time to time, be appointed by his Majesty, or the commissioners of the treasury now or for the time being, or any three or more of them, or by the high treasurer for the time being, to be receiver general of the faid rates or duties arising from windows or lights within Scotland, under a penalty of one hundred pounds sterling, to be Penalty. forfeited in case of failure in the due and faithful administration of his office, or in the due payment of the monies to be received by him, which bond the commissioners taking the same, shall Bond to be recause to be forthwith registered in the books of council and ses- gistered, and fion, and deliver an extract thereof to the receiver general to be an extract appointed as aforefaid, and the faid receiver general shall pay so receiver genemuch of the faid rates and duties, and fums, as he shall receive ral, &c. from every fuch collector (with deduction of his own allowance in respect thereof) into the receipt of his Majesty's exchequer at Westminster, by half-yearly payments on the several days herein before appointed for payment thereof, or within forty days

after. XXIV. And be it further enacted, That the collector to be Collector to elected for each shire, stewartry, city, or borough as aforesaid, give a copy shall, within the space of fix days after delivery of the copy to of the affeilhim aforesaid, of the said affestments for the same, deliver, or ment to the cause to be delivered, to some one of the persons who were ap- 1 is the affect r, pointed affestors for each parish, within such shire, stewartry, thereon, &c. city or borough, a copy under his hand, of the faid affestment

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> for such parish, with an order thereon for such affestors delivering a note of the sum assessed upon or for every dwelling-house charged within such parish, to some person within the said dwelling-house, in case access can be had, or affixing such note on the door of such dwelling-house; and the assessor to whom fuch copy and order shall be delivered, shall, within six days after receipt thereof, make notification as aforesaid, thereupon, and return the faid copy and order to the collector from whom he received the same, with a certificate upon oath before one of the commissioners aforesaid, that he did notify the same in the

form prescribed by this act.

Penalty of not paying the duties, &c. within ten days after notification.

Affeffor to re-

turn the copy,

&cc.

Commissioners to iffue warrants for levying the duties.

Collectors to dutram,

and make fale,

For want of diffress, the person to be committed.

XXV. And be it further enacted, That every person and persons liable to and charged with any of the rates or duties before-mentioned, for or in respect of any dwelling house in Scotland, shall be obliged, and is hereby required to make payment of the sum which shall be assessed upon him, her, or them, to the collector of the shire, stewartry, city, borough, or parish, where fuch dwelling-house lies, at his office, within such city, borough, or parish, or within the head burgh of such shire or stewartry respectively, within the space of ten days after notification shall have been made to him, her, or them, in the manner herein prescribed, of such sum, upon pain of forfeiting treble the sum, in case he or she fail to make the said payment within the faid time; and in such case, it shall and may be lawful to and for any commissioner aforesaid, for any shire, stewartry, city, or borough, and every such commissioner is hereby required, upon the application of the collector of the rates and duties aforefaid, for fuch shire, stewartry, city, or borough, and inspection had of the assessors certificate of notification, to iffue and grant a warrant or warrants under his hand, for the faid collectors poinding or diffraining the goods and effects of any person or persons mentioned in such certificate, and who shall not have paid the sum therein assessed upon him, her, or them, or any moveable goods or effects, being for the time within the dwelling-house, for the windows of which such sum shall happen to be affested and due, for payment of the said forfeiture; and the faid collector shall be, and is hereby impowered to cause poind or distrain accordingly, and the goods so poinded or distrained to keep by the space of four days, at the costs and charges of the owners thereof; and if the faid owners do not pay the respective sums of money, for which such warrant of poinding or diffress was granted, within the said four days, then the said goods shall be appraised at, and in the place where they are, by two or more persons, to be called and sworn for that purpose, and shall be sold for payment of the said sums of money, and the charges of taking and keeping the poind and distress, and the overplus coming by fuch fale (if any be) to be immediately restored to the owner; and where no goods sufficient for payment of the faid fums can or may be found, to be poinded or distrained, and the person liable, shall neglect or refuse to pay the same, in every such case any one of the commissioners afore-



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said, shall be, and hereby is authorized and required, by warrant under his hand, to commit such person to the common gaol, there to be kept without bail, until payment shall be made; Collectors not and in case any such collector in that part of Great Britain called making pay-Scotland, shall not make payment of the faid sums to be receiv- ment to be ed by him, in terms of his bond aforefaid, to the receiver ge- fued, &c. neral to be appointed as aforesaid, diligence shall and may proceed by horning, arrestment, poinding, denunciation, caption, imprisonment, and otherwise, upon such bond, against such collector and his cautioners, at the fuit of the faid receiver general, for payment of the whole sums affested upon the shire, stewartry, city, or borough, for which he is collector, in so far as they have not been paid unto the said receiver general, and of the penalty in such bond, subject to such relief and modification in law or equity, as shall be awarded and granted by the lord chief baron of his Majesty's exchequer in Scotland, or by any two of the faid barons, upon summary application to be made to them by such collector, and giving notice to, and hearing the faid receiver general on behalf of his Majesty.

XXVI. And, for obviating doubts which may arise about the charging of windows or lights, and the persons liable in payment of the rates and duties for the same, in Scotland, within the meaning of the aforesaid act, and of this present act; be it enacted by the authority aforesaid, That every person and persons occupying any dwelling house in any edifice or land, Method of within any county, stewartry, city, borough, town, or place charging the respectively, within that part of Great Britain called Scotland, duties in having more than nine windows, whether such dwelling-house Scotland. be in a separate building, and under a distinct and separate roof, or be part of any edifice, land, or building, and under the same roof with other dwelling-houses, and which dwelling-house any persons shall have been in possession of, at any time after the term of Whitsunday or Martinmas, immediately preceeding any of the half-yearly days, appointed for the payment of the faid rates and duties, shall be deemed and taken to be the occupier or occupiers, and tenant or tenants of fuch house, to all intents and purposes, as if such dwelling-house was a separate

building, and under a distinct and separate roof.

XXVII. And be it further enacted, That in case the com- Commission missioners hereby appointed for putting the said act in execution, ers and as Cwith regard to Scotland, shall refuse or neglect to iffue their pre- sors neglect cept opprecepts, under the hand of fuch one of them, as shall, ing their by the major part of those met, be elected preses of the meet- duty, ing, to such inhabitants of every parish, within their several shires, stewartries, cities, or boroughs, and such number of them, as the major part of the commissioners so met, shall, in their discretions, think most convenient to be affessors as aforefaid, requiring them to appear before the faid commissioners as herein before is mentioned; or if the persons who shall be so required to appear, shall refuse or neglect to appear as is herein beigre directed, or if the persons who shall be appointed affes-

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fors by the said commissioners, as herein before is mentioned,

shall fail or neglect to bring in their certificates in writing, under their hands, of every dwelling-house inhabited or charged by the said act, within the limits of those parishes in which they shall fer erally be appointed to act, and of the number of windows or lights in each house, with the names of the several occupiers or inhabitants of each respective dwelling-house, and of the sums of money which they ought to pay by virtue of the said act, as aforesaid; or if the said commissioners, or the major part of them, who shall be present upon the day appointed for the first general meeting of the commissioners of shires, and stewartries, cities and boroughs, for the land tax, granted for the service of the year one thousand seven hundred and forty eight, or on such days, as shall be appointed for the first general meeting of the commissioners of the land tax, to be granted for the service of any subsequent year, by any future act or acts of parliament, shall fail or neglect to elect and chuse some sit person to be collector of the said rates and duties as aforesaid, or take such bond, with sufficient caution from him, for his due execution of the said office, and for other purposes herein before directed, that then, and in such case, it shall and may be lawful to and for the said surveyor or surveyors, to make a certificate in writing, under their respective hands, of every dwelling-house intificates to the habited or charged by the said act, within the limits of those parishes in which they severally act, and of the number of windows or lights in each house, with the names of the several occupiers or inhabitants of each respective dwelling-house, and of the sums of money which they ought to pay by virtue of the said act as aforesaid, and to return such certificates to the surveyors general of the said rates and duties at Edinburgh, who are forthwith to deliver the same to the barons of the court of exchequer in Scotland; and that it shall and may be lawful to and for the said barons, or any two of them, to appoint collectors for collecting the faid rates and duties as aforefaid, within fuch respective places, and that the collectors so to be appointed by two of the said barons as aforesaid, shall have the same power to collect, receive, and recover the faid rates and duties, as fuch collectors would have had in case they had been appointed to be collectors by the said commissioners as aforesaid; and that the faid barons of the exchequer in Scotland shall have all such and the same powers to act in and about the collecting, recovering, getting in, receiving, and paying of the faid rates and duties upon houses, as are given to the said commissioners by the said former act, or this present act, so that the said rates and duties may be fully and effectually raised and paid, according to the true intent and meaning of the faid recited act, and of this prefent act.

the furveyors to return cerlurveyors general, &c.

The barons to appoint collectors.

Forfeitures to whom payable,

XXVIII. And be it further enacted, That all penalties and forfeitures to be incurred for any offences against this act, in that part of Great Britain called S stant (other than those to be incurred by any collector, shall be and be made p yable to the

co le for

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collector of the shire, stewartry, city, or borough, within which and how to be the same shall be incurred; and all penalties and forfeitures to recovered. be incurred by any person for any offence against this act, for levying of which there is no particular way herein before preferibed or appointed, shall be levied by warrant under the hands of three or more commissioners of supply for such shire, stewartry, city, or borough, by poynding and distraining, and fale of the offender's goods, rendering the overplus to the owner thereof, after deduction of reasonable charges for distraining the same; and that the collector of every shire, stewartry, city, or Account to be borough, shall keep an exact account of all fines, forfeitures, kept of the and fums of money which he shall happen to levy in force of &c. this act, other than and beside the single rates and duties to be contained in the affeffment to be delivered to him figned by the commissioners as aforesaid, separate and distinct from his account of the said single rates and duties, and shall lay such account before the commissioners aforesaid half-yearly, at the time of their stated half-yearly meetings as aforesaid; which Allowance to faid commissioners, or the major part of them, shall have power be made to to deduct and allow to fuch collector, fuch part of the fums collectors. charged in his separate account, as to them shall seem meet, for answering and defraying the expence of levying the same, or fuch other incidental expences as may accrue and arise in the execution of this act, and are not thereby provided for: and Certificates of the faid commissioners shall cause to be transmitted certificates the ballance to of the ballance remaining due on every such account, to the of- be transmitfices of the King's remembrancer in the exchequer in Scotland, ted to the exand of the receiver general to be appointed for the rates and chequer. duties aforesaid at Edinburgh, to the end that such ballance may be made a charge upon such collector; and such collector shall Receiver gebe obliged, and may be compelled, to pay the ballance so certi- neral to pay fied, to the said receiver general; and the said receiver general to the excheshall be obliged to pay the same into the receipt of his Majesty's quer at Westexchequer at Westminster, in the same manner as is herein be- minster. fore provided with respect to the aforesaid rates and duties.

## CAP. XI.

An act for further regulating the proceedings upon courtsmartial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships, wrecked, lost, or taken; and for continuing to them their wages upon certain conditions. Rep. 22. Geo. 2. c. 33.

THEREAS several laws heretofore made, relating to courtsmartial in the sea service, have not proved effectual to anfiver the ends thereby proposed, therefore for remedying and supplying the faid defects, and for maintaining a proper and strict government and discipline in his Majesty's navy; be it enacted, &c.

The officer upon whom the command of a fleet, &c. shall devolve, impowered to hold courts-martial. The officer next in command, to pre-P 3

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fide. The commander in chief to impower the commander of a fquadron, ordered on separate service, to he'd courts-martial. Where ave or more thips meet in foreign parts, the fenior captain to hold courts-martial, and preside. Where it shall be improper for the officer next in command to preside, the third officer to be appointed. Admiralty impowered to direct what officer shall hold courts martial in any port in Great Britain or Ireland. No court-martial to confift of more than 9 or less than Where there are not more than 3 captains to be had, other commanders to be called in. No member of the court to go on shore, till sentence given. Officers constituting a court-martial to take an oath. The judge advocate to take an oath. Penalty of an evidence guilty of contempt or misbehaviour; or of perjury, &c. Articles of war established by 18 Geo. 2. c. 35. to be in force with respect to the crews of ships loft, &c. Clause for continuing their pay to the officers and men, after a thip is taken by an enemy, &c. Act 18 Geo. 2. c. 35. and part of 2 W. & M. appointing the form of an oath, repealed.

## CAP. XII.

An act for bolding the summer assues for the county of Buckingham at the county town of Buckingham.

WHEREAS for many years past it bath been usual in the administration of justice to his Majesty's subjects, residing at the different ends of the county of Buckingham, which is of a great length, to appoint the summer offizes at the county town of Buckingham, and the winter affizes at Aylesbury: and whereas this usage rous unnecessarily broken in upon in the last summer: and whereas it will tend to preserve the peace and quiet of the county to fix the distribution of justice in its usual channel, within the said county; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of June, one thousand seven hundred and forty eight, all the commissions of affize and Nisi prius, and all general commissions of Over and Terminer, and all commissions of general gaol delivery, which shall be appointed to be held and executed for the said county next after the term of Holy Trinity, shall be held and executed in each year at and in the faid town of Buckingham, and at no other place within the faid county of Buckingham; any law, statute, usage, matter, or thing to the contrary notwithstanding.

The fummer affizes for the county of Buckingham to be held at Buckingham yearly.

In cases of exigency only, the affizes may be removed to some other place, during their continuance.

II. Provided always, and it is hereby enacted and declared by the authority aforesaid, That if at any time hereaster the said town of Buckingham shall be wholly unsit for holding the assizes there, by accident of sire, or by means of any contagious or epidemical distemper, or by any other unsoreseen cause or exigency, to be made appear before the lord high chancellor, or lord keeper, or lords commissioners for keeping the great seal of Great Britain for the time being; that then, and in such cases only, it shall and may be lawful to and for the lord high chancellor, or lord keeper, or lords commissioners for keeping the great seal of Great Britain for the time being, with the advice of the justices of assize, from time to time, in and during the



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continuance of such respective exigencies only, and for and at no other time or times, to appoint another convenient place within the said county for holding the said assizes, instead of the said town of Buckingham; any thing in this present act contained to the contrary notwithstanding.

# CAP. XIII.

An act to rectify a mistake in an act made in this session of parliament, intituled, An act for punishing mutiny and desertion; and for the better payment of the army and their quarters. EXP.

WHEREAS by a clause in an act made this session of parliament, intituled, An act for punishing mutiny and desertion; and for the better payment of the army and their quarters; it is provided and declared, That from and after the twenty fifth day of March, one thousand seven hundred and forty eight, when and as often as any person or persons should be inlisted as a soldier or soldiers in his Majesty's land service, he and they were to be carried before the next justice of peace of any county, riding, city, or place, or chief magistrate of any city or town-corporate, who was required, in case such person or persons appeared to be duly inlisted, to certify under his hand, among other things, that the seventh and tenth articles of war against mutiny and desertion were read to such person or persons: and whereas in the said clause, mention is made of the Seventh and tenth articles of war by mistake, instead of the second and fixth sections of such articles: for rectifying the said mistake, be it enacted, &c.

Justices to certify, that the second and fixth sections of those articles of war were read to persons inlisted.

## CAP. XIV.

An all for permitting tea to be exported to Ireland, and bis Majesty's plantations in America, without paying the inland duties charged thereupon by an all of the eighteenth year of his present Majesty's reign; and for enlarging the time for some of the payments to be made on the subscription of six millions three hundred thousand pounds, by virtue of an all of this session of parliament.

WHEREAS in and by an act passed in the eighteenth year of 18 Geo. 2. the reign of his present Majesty (intituled, An act for re-c. 26. pealing the present inland duty of four shillings per pound weight upon all tea sold in Great Britain, and for granting to his Majesty certain other inland duties in lieu thereof; and for better securing the duty upon tea, and other duties of excise; and for pursuing offenders out of one county into another) an inland duty of one shilling per pound weight avoirdupois, and in that proportion for a greater or lesser quantity, is charged upon all tea which should be sold in Great Britain from and after the twenty fourth day

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of June, one thousand seven hundred and forty five, and also a further duty of twenty five pounds for every one bundred pounds, of the gross price at which such tea should be sold at the publick sales of the united company of merchants of England traling to the East Indies, and proportionably for a greater or leffer fum, over and above all customs, subsidies, and duties payable to his Majesty for the same upon the importation thereof; which said several duties of one shilling per pound weight, and twenty five pounds per centum, it is thereby enacted should be paid down in ready money by the proprietor or proprietors of such tea, or such person or persons as should be appointed by bim, her, or them, to the receiver or collector of the said inland duties, before such proprietor or proprietors, or other person or persons, should receive or take out for any purpose what soever such tea, from the warehouse or warehouses wherein the same was appointed to be lodged, by an act made in the tenth year of the reign of his late Ma-10Geo. 1. c. 10. jesty King George the First, according to the directions of the said act:

to be exported to eland and

and whereas the importation of tea into this kingdom, by the faid united company of merchants of England trading to the East Indies, may be greatly increased, if the same be permitted to be exported to Ireland, and his Majesty's plantations in America, without paying the duties charged thereupon by the said act; we your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do most humbly beseech your Majesty, that it may enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from Tea permitted and after the first day of June, one thousand seven hundred and forty eight, all such tea as shall then have been, or hereafter America with- shall be imported into the kingdom of Great Britain from any out paying the foreign parts, and which shall be afterwards exported to the inland duties. kingdom of Ireland, or to his Majesty's plantations in America, and which shall have been duly entered, and for which the feveral subsidies and additional imposts due on the importation thereof, shall have been paid or secured to be paid, and which shall have been carried or put into such warehouse or warehouses, as aforesaid, shall and may, from and after the said first day of June, one thousand seven hundred and forty eight, upon due entry thereof being made by the proprietor or proprietors thereof, or by fuch person or persons whom they shall appoint for that purpose, be delivered out of any such warehouse to the respective proprietor or proprietors thereof, or such person or persons as shall be appointed by him, her, or them, and who shall before fuch delivery have duly er tered the same for exportation to Irelund, or his Majesty's plantations in America, without payment being made of all or any the respective inland duties charged or imposed upon the same by the said act; any thing therein contained to the contrary thereof in any wife notwithstanding; such Proprietor to proprietor or proprietors, or other person or persons, first givgive bond for ing bond, with fufficient fecurity to his Majesty, his heirs and successors, to be approved of by the commissioners of the bid inland

exportation.



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inland duties for the time being, or any three of them, or by fuch person or persons as they shall, from time to time, appoint for that purpose, in double the value of the goods, that the same, and every part thereof shall (the dangers of the seas and enemies excepted) be really and truly exported to, and landed in such port of the kingdom of Ireland, or such place in his Majesty's plantations in America, for which the same has been so entered for exportation, and that the same shall not be exported, or carried to any other place or country whatfoever, nor relanded in any part of Great Britain, or the islands of Guernsey, Jersey, or Man, or either of them; and such bonds so entered Bond not to into, for the carrying such tea to the kingdom of Ireland, or to be discharged any of his Majesty's plantations in America, which has not paid till a certifia the inland duty herein before-mentioned, shall not be delivered cate be produup nor discharged, until a certificate shall be produced under landing. the hands and seals of the collector, comptroller, or surveyor of the customs of the port in Ireland, or the plantations in America, where such tea shall be landed, testifying the landing thereof; and for the future, the condition of all fuch bonds to be given Condition of for the exportation of any such tea to Ireland, shall be to pro- the bond. duce such certificate in six months from the date thereof (the danger of the seas and enemies excepted) and the condition of all fuch bonds to be given for the exportation of any fuch tea to the plantations in America, shall be to produce such certificate in eighteen months from the date thereof (the danger of the feas and enemies excepted) and in case no such certificate shall be produced within the respective times herein before-mentioned, it shall and may be lawful for the said commissioners of the said inland duties, to cause such bonds to be put in suit, unless they shall find sufficient cause to forbear the same; any warehouselaw, custom, or usage to the contrary notwithstanding: and up- keeper to deon fuch proprietor or proprietors, or other person or persons, liver to the producing to the respective keeper or keepers of such ware- proprietor the houses, a certificate or certificates, signed by such person or per- in the certififons as the commissioners of his Majesty's customs for the time cate; being, or any four of them, shall for that purpose appoint, signifying that fuch entry has been made, and that the several subfidies and additional imposts, due on the importation thereof, have been paid or secured; and also producing a certificate under the hands of the commissioners of the said inland duties, or any three of them, that such security for exportation hath been given as herein before-mentioned; which certificate or certificates the faid commissioners are hereby required to give accordingly; fuch warehouse-keeper or warehouse-keepers shall deliver out of fuch warehouse or warehouses, to such proprietor or proprietors, or other person or persons, in the same package. and no other than that in which it was imported, so much tea intended, and entered for exportation to the aforesaid places. and no other, as shall be mentioned or expressed in such certificate or certificates respectively, without payment being made of all or any the respective inland duties charged or imposed

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thereon

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and a permit. thereon by the said act; and the respective warehouse-keeper and warehouse-keepers are thereupon to give such proprietor or proprietors, or other person or persons, a permit or certificate to accompany such tea so delivered out, till the same is shipt for exportation; which permit or certificate shall be also signed by an officer attending the faid warehouse or warehouses, who shall be appointed by the commissioners of the said inland duties, or the major part of them, to prevent the seizing thereof; and such proprietor or proprietors, or other person or persons, shall, at and before the tea therein mentioned is shipt or laden on board the ship or vessel in which it is entered, and intended to be exported, deliver such permit or certificate to the searcher or other proper officer of the customs of the port from which such tea is entered for exportation, who is hereby enjoined and required

Proprietor to deliver the permit to the fearcher.

ty in examining the tea, certified, &c.

Searcher's du- (if he shall have cause to suspect the tea to be deficient in quantity or quality, from what is or shall be specified in the said permit or certificate) to open, weigh, fearch, and strictly examine all the chefts, cafks, and other package, in which fuch tea is contained, to see if the goods agree in quantity and quality with the permit or certificate figned by the officer of the faid inland duties, as before-mentioned, and whether the same has been rightly and duly entered outwards, and the quantity and quality rightly and truly expressed in the exporter's indorsement upon his entry; and if on such examination the same shall be found to be right entered, and that they agree in quantity and quality with the permit or certificate of the officers of the faid inland duties, the searcher or other proper officer shall at his own charge cause the same to be repacked (which charge shall be allowed to the faid officer by the commissioners of the cuftoms, if they think it reasonable) but in case the officer shall on examination find fuch goods to be of any other species or quality, or to be more in quantity or quality than is expressed in fuch permit or certificate, or in the exporter's indorfement upon his entry outwards, or that they shall have been entered under a wrong denomination, whereby his Majesty would have been defrauded, all fuch goods, together with the chefts, casks, and other package containing the same, shall be forfeited and lost, and shall and may be seized and prosecuted by any officer or officers of the customs, in such manner and form as herein after is expressed.

Tea to be ex-

II. And it is hereby further enacted, That from and after the ported in the said first day of June, one thousand seven hundred and forty same package, eight, no tea shall be exported to the kingdom of Ireland, or to any of his Majesty's plantations in America, in any chest, ecask, tub, or package whatfoever, other than that in which it was originally imported into Great Britain, nor in any less quantities than in the entire lot or lots in which the same was fold at the fale of the faid united company, under the penalty of the forfeiture of fuch tea, and the package containing the fame.

Tea entered for exporta-

III. And it is hereby further enacted, That from and after the said first day of June, one thousand seven hundred and forty eight,

eight, when any tea is entered for exportation to Ireland, or any tion to be of his Majesty's plantations in America, the outside package in marked on the which it is contained, shall, by the searcher or searchers belong- package; ing to the customs at the port from whence the same is intended to be exported, after the entry thereof, and before the same is shipped, be marked on four different parts, on the outside thereof, in such manner as the commissioners of the customs shall direct; and if any chest, cask, tub, or other package, shall, and if found after the same has been marked and shipt as aforesaid, be land- on shore again ed, or found again on shore, having such marks thereon, such to be seized. chest, cask, tub, or other package, with the tea therein contained, shall be forfeited and lost, and shall and may be seized and profecuted by any officer or officers of the customs or inland

duties, in fuch manner as herein after is expressed.

IV. And, for preventing the clandestine delivering of tea out of the warehouses herein before-mentioned, in order for the exportation thereof to the kingdom of Ireland, or to his Majesty's plantations in America; be it enacted by the authority aforesaid, That the keeper or keepers of the said warehouse or Book to be warehouses, who shall be appointed by the commissioners of his kept for en-Majesty's customs and inland duties, shall keep one or more tering all teas book or books, wherein they shall fairly enter in writing, an for exportaexact, particular, and true account of all fuch tea which shall, tion. from time to time, be delivered out of the faid warehouse or warehouses for exportation to Ireland, or the plantations in America, and the names of the respective person or persons to whom, or for whose use, the same was delivered out, and the particular days and times when the same was so delivered out; and shall, A quarterly at the end of every three months, or oftener if required, trans- account on mit in writing an account thereof, upon oath, to the said com- oath, to be missioners of the customs and inland duties respectively for the the commissioners. time being; and the said commissioners are hereby required and sioners, &c. enjoined, within one month after the same shall have been transmitted to them, as aforesaid, to appoint one or more person or persons to inspect and examine the same accounts; and if, upon examination, it shall appear that any tea has been delivered out for exportation to Ireland, or the plantations, otherwise than and under such terms, forms, and conditions performed as herein are before directed, appointed, and required for the doing thereof; then the warehouse-keeper and warehouse-keepers offending Penalty on therein shall not only be disabled to hold and enjoy any publick warehouseoffice or employment, but shall also forfeit and lose for every keeper offendfuch offence the fum of one hundred pounds.

V. And be it further enacted by the authority aforesaid, That Disposition of one moiety of the several penalties and forfeitures in this act theforfeitures; before-mentioned shall be to the use of his Majesty, his heirs and fuccessors, and the other moiety shall be to the use of such person or persons as shall inform, prosecute, or sue for the same (except in such cases where any other appropriation or distribution is made by any other act or acts) and that all the same penakies and forfeitures shall and may be profecuted and fued for,

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and method them.

and the causes and controversies arising thereupon tried, heard, and determined in any of his Majesty's courts of record at Westof recovering minster, or in the court of Exchequer at Edinburgh respectively (except where any provision to the contrary is made by any other law or statute now in force) wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

VI. And be it further enacted by the authority aforesaid, That if any action or fuit thall be commenced against any person or persons for any thing done in pursuance of this act, the defendant or defendants in such action or suit may plead the general General iffue, iffue, and give this act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the piaintiff shall be nonsuited, or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for the

Treble cofts.

£1 Geo. 2. C. 2.

same as defendants have in other cases by law. VII. And whereas by an act of this present session of parliament (intituled, An act for granting to his Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities and a lottery, to be charged on the faid fubfidy; and for repealing fo much of an act made in the twentieth year of his prefent Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same) it is amongst other things enacted, That it should and might be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance and pay unto the chief cashier or cashiers of the governor and company of the bank of England, the sum of six millions three hundred thousand pounds, for the purchase of annuities, after the rate of four pounds per centum per annum, to commence from Michaelmas, one thousand seven hundred and forty eight, and to be charged upon, and payable out of the rates and duties granted by the said act, at the times, and in the manner therein mentioned; which said sum of fix millions three hundred thoufand pounds, was thereby appointed to be paid on or before the respective days and times, and in the respective proportions herein after mentioned; that is to say, Ten pounds per centum by way of deposit, on or before the twelfth day of December, one thousand seven bundred and forty seven; ten pounds per centum on or before the twenty eighth day of January, then next ensuing; ten pounds per centum on or before the twenty seventh day of February, then next ensuing; ten pounds per centum on or before the twenty fourth day of March, then next ensuing; ten pounds per centum on or before the twenty fecond day of April, then next ensuing; ten pounds per centum on or before the twenty fourth day of May, then next enfuing; ten pounds per centum on or before the twenty first day of June; then next enfuing; ten pounds per centum on or before the twenty first day of July,



#### . Anno vicesimo primo Georgii II. C. 14. 1748.

July, then next ensuing; ten pounds per centum on or before the twenty third day of August, then next ensuing; and ten pounds per centum on or before the twentieth day of September, then next following; and the said contributors were to be allowed interest, after the rate of five pounds per centum per annum, for all sums by them advanced and paid to the said cashier or cashiers, to be computed from the respective days of the actual payment thereof to Michaelmas, one thousand seven bundred and forty eight; but in case the said contributors should fail to make any of their respective payments at the times limited in the said act for payment thereof, all sums by them paid in part of the principal sums by them subscribed should be forfeited: and whereas, since the making of the act last recited, several sums of ten pounds per centum, and other sums of money, have been deposited with and paid to the faid cashier or cashiers, towards raising the said fum of fix millions three hundred thousand pounds, and the residue of their said subscriptions ought to be paid at the respective days before-mentioned, but it being thought proper to enlarge the time appointed for subsequent payments on the said subscriptions, for the better and more effectual execution of the said act; be it further enacted by the authority aforesaid, That the ten pounds per cen- The time entum, which is directed by the faid act to be paid to the faid larged for cashier or cashiers on or before the said twenty second day of some of the April, one thousand seven hundred and forty eight, shall and be made on may be paid to them on or before the twenty second day of the subscrip-October following; and that the ten pounds per centum, which tion of is directed to be paid by the faid act to the faid cashier or cashiers 6,300,0001. on or before the faid twenty fourth day of May, one thousand feven hundred and forty eight, shall and may be paid to them on or before the twenty fourth day of November following, fubject to the same penalties and forfeitures for nonpayment thereof at the times hereby limited, as in the faid former act are contained: nevertheless, it is the true intent and meaning of this act, that the several and respective other sums of ten pounds per centum, directed to be paid on or before the faid twenty first day of June, one thousand seven hundred and forty eight, the said twenty first day of July, the said twenty third day of August, and the said twentieth day of September following, shall be paid to the faid cathier or cathiers on or before those respective days; any thing in this act to the contrary notwithitanding.

VIII. Provided always, and be it further enacted by the au- Contributors thority aforesaid, That the said contributors, or their assigns, to allow 41. who were by the faid former act to have paid the respective pay- per cent. per ments of ten pounds per centum on or before the recited days in ann interest. April and in May, and who by this present act are allowed to make the said payments on or before the said respective days in October and November, shall allow an interest after the rate of four pounds per centum per annum, from Michaelmas, one thousand feven hundred and forty eight, for all fuch payments which shall be made by them in part or their faid feveral subscriptions, to be computed from that day to the time of the actual payment thereof to the faid cashier or cashiers; which interest shall be by them



Anno vicesimo primo GEORGII II. c. 15,—17. [1748. them deducted from the interest of five pounds per centum, due to such contributors or their assigns on former payments.

CAP. XV.

An aft for enlarging the term and powers granted by an aft made in the eighth year of the reign of his present Majesty, for repairing the roads from the town of Manchester, leading through Newton, Failsworth, and Oldham, in the county palatine of Lancaster, to Austerlands, in the parish of Saddleworth, in the county of York; and for making the same more effectual.

The all 8 Geo. 2. C. 3. continued for 21 years.

## CAP. XVI.

An act for enlarging the term and powers granted by an act passed in the tenth year of the reign of his present Majesty, for repairing the road from Hertford-bridge Hill, to the town of Basing floke; and also the road from Hertford-bridge Hill aforesaid, to the town of Odiham in the county of Southampton; and for making the said act more effectual.

The act 10 Geo. 2. C. 12. continued for 21 years.

# CAP. XVII.

An att to render more effettual an att made in the twentieth year of his Majesty's reign, intituled, An att for relief of such of his Majesty's loyal subjects in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion,

WREREAS it has by experience been found impracticable, or extremely difficult, for some of his Majesty's dutiful and loyal subjects in Scotland, whose dwelling-houses were invaded or rifled by the rebels during the late rebellion, and whose title deeds and writings, or part of them, were carried off or destroyed by the rebels, to discover, within the time limited by an all made in the twentieth year of his Majesty's reign, intituled, An act for the relief of fuch of his Majesty's loyal subjects in that part of Great Britain called Scotland, whose title deeds and writings were destroyed or carried off by the rebels in the late rebellion; all the writings upon record belonging to them which are amissing, and which may concern or relate to their rights and interests in their lands and estate, so as to enable them to obtain the benefit intended by the said act of parliament, by applying to the court of selsion, and obtaining an Interloquitor of the said court decerning and declaring the extracts of such writings upon record to be equal to principals: and it is therefore necessary to make further provisions, for rendering the relief intended by the said all more effectual, be it therefore enacted, &c.

Extracts from the records of any writing produced in favour of any of the King's loyal subjects in Scotland, &c. who petitioned the court of selfion, and whose writings were destroyed by the rebels, to be deemed equal to the principal. Oath to be made of the principal writing being destroyed by the rebels. Defendant may object to the extract. Persons within the description of this act allowed time to petition and make proof of their possession. If the proof be satisfactory, the court to register their determination, which shall be admitted as evidence. Extract of the judgment of the court may be produced in any subsequent petition or suit, as evidence.

20 Geo. 2. c. 20,



# 1748.] Anno vicesimo primo Georgii II. c. 18.

dence. Where the writings have been torn or defaced by the rebels, the fufferers upon producing the said writings, to be relieved.

# CAP. XVIII.

An act for draining and preserving certain sen lands in the several parishes of Maney, Upwell, Welney, Downham, Witcham, and in a certain extraparochial place in Byal Fen within the isle of Ely and county of Cambridge.

HEREAS certain fen lands and low grounds lying and being in the several parishes of Maney, Welney, Upwell, Downham, Witcham, and a certain extraparechial place in Byal Fen, within the iste of Ely and county of Cambridge, and within the great level of the fens called Bedford Level, containing in the whole, fix thousand seven hundred acres, or thereabouts (nine hundred and thirty acres whereof, or thereabouts, are commonable lands, and the rest are severals) the greatest part of which said lands are within the manor of Maney, and the rest within the parishes of Welney, Upwell, Downham, Witcham, and a certain extraparochial place in Byal Fen, and are bounded as follows, videlicet; from a bank known by the name of The Thirty Feet Bank, at a place called Welche's Dam, along a drain known by the name of The Twenty Feet Drain, to the outring ditch of the five hundred acres of land, commonly called Carter's Farm, next to the land in the possession of Richard Holditch, esquire, and along the said outring ditch, to certain lands in the possession of Mary Wright widow, and from thence to a certain drove called Byal Fen Drove, and from thence along the faid drove to the faid drain called The Twenty Feet Drain, and from thence to Welney river, and from thence by the faid river, to a place called Darcy Load, and from thence along Darcy Load to a place called Twitle Load, and from thence along Twitle Load, to a place called Maney Field, and from Maney Field crofs the faid irree called Byal Fen Drove, to the outring ditch of certain linds new in the possession of Richard Read esquire, next to a place called Wentworth Parts, and along the faid outring ditch, to the five hundred acres of land, commonly called Carter's Farm, and along the outring ditch of the said five hundred acres next the Parts, to the outring aitch of the faid Carter's Farm, next Chatteris Common, and from thence along the faid outring ditch, to the outring ditch of certain lands in the possession of William Blunt esquire, and from thence along the outring ditch of the fail lands, and the lands now in the possession of Thomas Aspland, to the aforesaid bank known by the name of The Thirty Feet Bank, and from thence along the faid Thirty Feet Bank to Welche's Dam aforesaid, are subject to inundations through the defect of their outfals to sea, and are in danger of being rendered useless, to the great Amage and impoverishment of the ocuners of such grounds, and loss to the publick : and whereas the faid fen lands and low grounds cannot be preserved without the aid of parliament. 12 c7able the owners thereof, and commoners therein, to dra'n the inme and to keep the some drained for the furure; may it therefore please your most excellent Majesty that it may be enacted. &c.

Anno vicesimo primo GEORGII II. C. 19. [1748.

Commissioners impowered to make drains, &c. and erect engines, making satisfaction to the owners of the soil. In case of difference, the justices to adjudge the damage. Commissioners impowered to make assessments. The High Lands not to be assessed. Commissioners to determine what lands shall be deemed such. Commissioners may assign over the taxes as a security for money borrowed. Commissioners to imbank at the proprietors expences certain parts of the Twenty Feet Drain, &c. If the owners of lands resuse to pay their quota, it is to be levied by distress and sale. Tenants to pay the rates, and deduct the same out of the rent. Penalty of rool on damaging and destroying the works, For want of distress the person to be committed. Penalty of burning the engines, 3 years imprisonment. Second offence, selony. The receipts and disbursements to be inspected, and the accounts settled yearly by the commissioners. The rights of the conservators of Bedford Level reserved.

# CAP. XIX.

An act for the more effectual trial and punishment of high treason and misprisson of high treason, in the highlands of Scotland; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some surther regulations relating to sheriffs depute and stewarts depute, and their substitutes; and for other purposes therein mentioned.

POR the more impartial and effectual trial and punishment of all offences of high treason and misprision of high treafon, committed in the highlands of Scotland, and the limits and bounds herein after-mentioned, and for taking away any hopes of impunity from persons guilty of crimes so dangerous to his Majesty's government, and the present happy establishment; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of April, in the year of our Lord one thousand seven hundred and forty eight, all offences of high treason, and misprision of high treason, already committed, or hereafter to be committed, in the shires of Dunbartain, Sterling, Perth, Kincardine, Aberdeen, Inverness, Nairn, Cromartie, Argyll, Forfar, Bamff, Sutherland, Caithness, Elgine, and Ross, and the thire or thewartry of Orkney, or any of them, in that part of Great Britain, called Scotland, may be enquired of, heard, tried, and determined in the court of justiciary there, in the county, shire, or stewartry where the said court shall sit, or before such commissioners or justices of Oyer and Terminer, and in such county, shire, or stewartry, within that part of Great Britain, called Scotland, as shall be assigned by his Majesty, his heirs or succest. fors, by his or their commission, under the great seal of Great Britain, in like manner and form, to all intents and purposes, as if such offences of high treason, or misprision of high treason, had been done or committed in the same county, thire, or stewartry where they shall be so enquired of, heard, tried, and determined, as aforesaid. II. And

Offences of high treason, &c. in the highlands,

may be tried in any county in Scotland.



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II. And to the end, that there may be no defect of jurors to Jurors may he enquire of, or try the faid offences of high treason, and mispri-taken from the fion of high treason, committed in any part of Scotland; be it shires. enacted by the authority aforesaid, That all enquiries and trials for high treason, or misprission of high treason, committed or to be committed in that part of Great Britain called Scotland, may be had by good and lawful men, not only of the body of the county, thire, or stewartry out of which they ought to come, by virtue of the provision aforesaid, or of former laws, but also of the bodies of the counties, shires, or stewartries next adjoining, or any of them; and the faid court of justiciary, and the Court of jufaid commissioners or justices of Oyer and Terminer respectively, sticiary and may and shall issue process for that purpose, to the respective justices to ifsheriffs or stewarts of the said county, shire, or stewartry out sue process for of which the jury ought to come as aforefaid, and the counties, the return of shires, or stewartries next adjoining thereto, or any of them, requiring them to return such a number of jurors respectively, as to the faid court, or the faid commissioners, or justices shall feem meet; and that in all fuch cases, no challenge for the coun- No challenge ty, shire, or stewartry shall be allowed; but nevertheless upon for the county, the trial of any fuch high treason, or misprission of high treason, the challenge to any juror for not being possessed in his own right, or in the right of his wife, of lands or tenements, as proprietor or life renter within the county, shire, or stewartry, out of which but all other the jury ought to come as aforesaid, or within any of the coun- egal chalties, thires, or stewartries next adjoining thereto, and all other lenges allowlawful challenges to jurors shall be allowed.

III. And be it further enacted by the authority aforesaid, That Three lords three of the lords of the justiciary shall be named and assigned of the justiin every such commission of Oyer and Terminer, whereof one to ciary to be in be of the Quorum; and that if any indictment of high treason, the commisor misprission of high treason, shall be found before any such tion of Oyer commissioners or justices of Oyer and Terminer, and request shall and Terminer. be made by the advocate of his Majesty, his heirs or successors, for Scotland, to the lord chancellor, or lord keeper, or lords commissioners of the great seal of Great Britain for the time being, to remove such indictment into the court of justiciary in Indictments of Scotland; then the lord chancellor, or lord keeper, or lords high treason, commissioners of the great seal of Great Britain for the time be- at the request ing, shall award a writ of Certiorari, under the faid great feal, jesty's advodirected to such commissioners or justices of Oyer and Terminer, cate, may be thereby commanding them, or any of them, to certify such in-certified into dictment into the said court of justiciary; which court thall have the court of power and authority, and is hereby required to proceed upon, justiciary. hear, and determine the same, as the court of King's Bench in England, may do upon indictments of high treason, or misprifion of high treason, removed or certified into the said court : and in every fuch case, the trial in the said court of justiciary Jurors in such shall be had by a jury of the county, shire, or slewartry, where-cates, whence in such indictment shall be found, or of that, and of one or more of the counties, thires, or stewartries next adjoining, and

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the faid court is hereby impowered to iffue process for that purpose; and the benefit of such challenges, to any of the jurors as are hereby before allowed, and none other, shall be allowed upon every fuch trial in the faid court of justiciary.

Peers to be peers.

IV. Provided always, That if any peer of this realm shall tried by their happen to be indicted of any high treason, or misprisson of high treaton, by authority of this act, then after such indictment found, every such peer shall have his trial by his peers, in such manner and form, as by law a peer of this realm is to have his trial.

Persons conto corruption; of blood, &c.

V. And be it further enacted by the authority aforesaid, That victed of high all persons convicted or attainted of any high treason, or mistreason subject prission of high treason, pursuant to this act, shall be subject and liable to the same corruption of blood, pains, penalties, and forfeitures, as persons convicted or attainted of high treafon, or misprission of high treason, pursuant to an act made in 7 Annæ, c. 21. the seventh year of the reign of her late majesty Queen Anne, intituled, An act for improving the union of the two kingdoms.

VI. Provided always, and be it further enacted by the authority aforesaid, That the provisions and clauses herein beforementioned and contained, shall be and continue in force for the space of seven years, and from thence to the end of the then

The faid clauses to be in force for 7 years,

next festion of parliament, and no longer.

The taking down the evidence in writing in certain criminal profecutions, abrogated.

VII. And whereas the taking down, and reducing into writing the evidence given in criminal causes and prosecutions (not extending to the loss of life, or to demembration) before the court of justiciary, and the circuit courts in that part of Great Britain called Scotland, has by experience been found very inconvenient, and to occasion great delay, as well as expence; be it further enacted by the authority aforesaid, That from and after the first day of July, in the year of our Lord one thousand seven hundred and forty eight, it shall and may be lawful for the said court of justiciary, and the said respective circuit courts, to proceed in, try, and determine all causes and prosecutions before them, for any crime or crimes, not inferring the punishment of death or demembration, whereupon the verdict of an affize or jury is to pass, upon examining and hearing the evidence of the witness or witnesses adduced or examined in any fuch cause or prosecution viva voce, without reducing into writing the testimony of any such witness or witneffes; and that the practice of taking down, and reducing into writing the testimony of witnesses in such cases, be and the same is hereby abrogated and abolithed.

Counkl and pannel may witnesles. Judge to fum up the evidence.

VIII. Provided always, and be it enacted, That in such cases where the testimony of witnesses shall not be reduced into wriinterrogatethe ting, the counsel on both sides, and the pannel, may interrogate the witnesses to and upon pertinent and legal questions; and that immediately before the affize or jury thall be inclosed, the evidence shall be summed up by the judges, before whom such trial shall be had, or one of them.

His majesty's

IX. And it is hereby further enacted, That the several forts erected, or hereafter to be erected by his Majerty, his heirs or fucceffors,



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successors, within the said shires of Dunhartain, Sterling, Perth, forts declared Kincardine, Aberdeen, Inverness, Nairn, Gromartie, Argyll, Forfar, lawful prisons. Bamff, Sutherland, Caithness, Elgine, and Ross, and the shire or stewartry of Orkney, or any of them, shall be, and they are hereby declared to be lawful prisons, for the commitment and safe custody of offenders; and the several and respective officers, The officers commanding for the time being in any such fort or forts, are to receive, &c. hereby impowered and required to obey and execute all legal prifoners comorders and warrants, that shall be to them directed for the re- warrant from ceiving and detaining, or releasing and liberating any person or themagistrate. persons, committed to their charge or custody, by the civil ma-

gistrate. X. And it is hereby further enacted, That no theriff depute, Regulations or stewart depute, or substitute to any sheriff depute or stewart relating to shedepute, of any county, thire, or flewartry in Scotland, after the arts depute, twenty fifth day of December, in the year of our Lord one thou- and their fubfand seven hundred and forty eight, shall be steward, chamber- stitutes. lain, or commissioner to any subject whatsoever, or collector of the cess, or shall exercise or act in the employment, service, or office of such steward, chamberlain, commissioner, or collector; and if any such sheriff depute or steward depute, or substitute to any sheriff depute or stewart depute, shall accept or take upon him any fuch employment, service, or office, or exercise the same, or act therein, he shall from thenceforth forfeit his office or employment of sheriff depute, stewart depute, or substitute, and be ipso facto disabled to hold, enjoy, or exercife the fame.

XI. And be it further enacted by the authority aforesaid, Sheriffs and That no such sheriff depute or stewart depute shall be capable stewarts deof being elected, or of fitting or voting as a member of the house putedifqualiof commons.

XII. And whereas his Majesty has thought fit, for the more easy ing members administration of justice, to appoint one sheriff depute only for the shires of Fife and Kinross, one only for the shires of Sterling and Clackmannan, one only for the shires of Argyll and Bute, one only for the shires of Elgin and Nairn, one only for the shires of Sutherland and Caithness, and one only for the shires of Ross and Cromartie; be it enacted by the authority aforesaid, That the sheriffs depute appointed for the said shires, shall not be obliged theriffs deto reside four months in each of the said shires, but that their pute, residence within the two shires, considered as one district in that respect, shall be deemed sufficient to all intents and purpotes.

XIII. And be it further enacted, That until a new distribution and division of the circuits in Scotland thall be made, in pur- till a new difuance of the act of the twentieth year of his present Majesty · circuits, acreign (intituled, An all for taking away and abolifying the hereta- cording to ble jurisdictions in that part of Great Britain called Scotland, and 20 Geo. II. for making satisfaction to the proprietors thereof, and for restoring c. 43. fuch jurisdictions to the cream; and for making more effectual provision for the administration of justice throughout that part of the united kingdom, by the King's courts and judges there; and for obliging all

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fied from beof parliament.

per jons



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The judges
appointed for
Dumfries and
Jedburgh, shall
also hold the
circuit court
at Air.

persons asting as procurators, writers, or agents in the law in Scotland, to take the oaths; and for rendering the union of the two kingdoms more complete) the judges appointed to hold the circuit courts at Dumfreis and Jedburg, shall likewise be appointed to hold the circuit court at Air, which shall be, and be deemed to be within the limits of the circuit, commonly called The Southern Circuit, until such new division and distribution of the circuits in Scotland shall be made as aforesaid.

# CAP. XX.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, for repairing the several roads leading from Birmingham, through the town of Wednesbury, to a place called High Bullen, and to Great Bridge; and from thence to the end of Gibbet Lane, next adjoining to the township of Bilson; and from Great Bridge, through Dudley to King-Swinford, and to the further end of Brittel Lane, in the counties of Warwick, Stafford, and Worcester.

The act 13 Geo 1. c. 14. continued for 21 years.

# CAP. XXI.

An act for erecting workhouses, for the better employing and maintaining the poor within the burgh of Bury Saint Edmunds, in the county of Suffolk; and for the better repairing and paving the streets and highways there.

## CAP. XXM.

An act for enlarging the term and powers granted by an act passed in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for repairing the roads leading from the town of Bromfgrove to the town of Dudles, in the county of Worcester, and from the said town of Bromsgrove to the town of Birmingham, in the county of Warwick; so far as the said act relates to repairing the roads leading from the town of Birmingham, to the town of Bromsgrove, in the county of Worcester; and for making the same more effectual.

The act 13 Geo. 1. C. 15. continued for 21 years.

# CAP. XXIII.

An act for granting to bis Majesty the sum of one million out of the sinking fund, for the service of the year one thousand seven hundred and forty eight; and for applying a sum of money remaining in the exchequer, arisen by the rates and duties on houses which determined at Ladyday, one thousand seven hundred and forty seven; and sor the surther appropriating the supplies granted in this session of parliament; and for applying a certain sum of money, for defraying the charge of the allowances, for the year one thousand seven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse lately reduced.

We your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully.



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fully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty eight, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the faid supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called The finking fund: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That by or out of fuch monies as now are, or shall from time to time be and re- One million main in the receipt of the exchequer, of the faid furplusses, ex- granted out cesses, or overplus monies, commonly called The sinking fund fund. (after paying or referving fufficient to pay all fuch fum and fums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issued, and applied, a fum not exceeding the faid fum of one million, for and towards the supply granted to his Majesty for the fervice of the said year one thousand seven hundred and forty eight; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to issue and apply the same accordingly.

II. And be it further enacted by the authority aforesaid, That Appropriaall the monies which have arisen, or shall arise into the receipt tion of the of his Majesty's exchequer, of the several rates and duties on ing by the in houses, which determined at Ladyday, one thousand seven hun-duties on dred and forty seven, shall be deemed and taken, and be appli- houses. ed as part of the fund for paying and discharging the several annuities and other payments charged by an act of the last session of parliament, on certain rates and duties on houses, windows, and lights granted by the said act; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the same thereunto accordingly; any thing in this or any former act to the contrary thereof

in any wie notwithstanding.

III. And it is hereby enacted by the authority aforesaid, That Clause of loan in case the said commissioners of his Majesty's treasury, or any at 41. per three or more of them now being, or the high treasurer, or any cent. three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the re-

ceipt

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ceipt of his Majelty's exchequer, any fum or fums of money not exceeding the faid fum of one million, upon the credit of the faid furpluffes, excesses, or overplus monies, commonly called The finking fund; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds per centum per annum, so as such loans be allowed to be made by the faid commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to iffue their warrants for that purpofe as fast as such loans shall be wanted for the publick service; and moreover that no money so to be lent on the security of this act shall be rated or affeifed to any tax or affeifment whatsoever.

IV. And be it further enacted, That all and every person and

persons who shall lend any money upon the credit of this act as

aforesaid, and pay the same into the receipt of the exchequer,

Talfies and orders for repayment,

Orders to be paid in course.

shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearto carry 41. per ance thereof, not exceeding the faid rate of four pounds per cen-

cent. interest. tum per annum, and to be paid every three months, until the repayment of the principal; and all fuch orders for repayment of money fo to be lent shall be registred in course according to the dates respectively; and that all and every person and persons register'd, and shall be paid in course, according as their orders shall stand registred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the faid furplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, thall be taken and accounted to be the second person to be paid, and fo fucceffively and in course; and that the monies to come in, of or for the faid furpluties, excesses, or overplus monies, commonly called The finking fund, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever (other than such uses or purposes as are appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or No see for re- indirectly shall be demanded or taken of any of his Majesty's

giftering, &c. subjects for providing or making of any such books or registers, or any entries, views, or fearches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending,



#### Anno vicesimo primo Georgii II. c. 23. 1748.

with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and it any undue preference of one before another shall be made either in point of reg stry or payment, contrary to the true meaning of this act, by any tuch officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt wich full costs of suit to the party grieved, and Penalty. shall be forejulged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his mader, then such deputy or clerk only shall be hable to such action, debt, damages, and costs, and snall be for ever after incapable of his place or office; and in case the auditor of the receipt shall not direct the laid orders of loan, or the clerk of the pells record, or the teller make payment upon fuch order, according to each person's due place and order as before cirected, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforefaid; all which said penalties, forfeitures, daniages, Penalt es how and costs, to be incurred by any the officers of the exchequer, to be recoveror any their deputies or clerks, shall and may be recovered by ed. action of debt, bill, plaint, or information, in any of his Majesty's courts of record at IVestminster; wherein no estoin, protection, privilege, wager of law, injunction, or order of rest. aint shall be in any wife granted or allowed.

V. Provided always, and it is declared, That it it shall hap- Proviso. pen that several tallies of loan or orders for payment as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entered fint, so as he enters them all the fame day.

VI. Provided also, That it shall not be interpreted any undue Provide preference to incur any penalty in point of payment, if the au ditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, fo as there be so much money reserved as will fatisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon kean being to crase from the time the monev is so reserved and kept in bank for them.

VII. And be it further enacted, That all and every person Or 'ers alignand persons to whom any money shall be due for loans to be re- able. giftred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may affign or transfer his, her, and their right, title, interest, and benealt of such order, or any part thereof to any other; which be non the lin the office of the auditor of the receipt as aforefaid, and an entryor memorial thereof also made in the book of regittry at re-

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No fee for entry.

faid for briders (which the officers shall upon request without fee of charge accordingly make) shall intitle such affignee, his, her, of their executors; administrators, successors, or assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner affign again, and so toties quoties; and afterwards it ment not to be ihall not be in the power of fuch person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

VIII. And to the end there may be no want or failure of a

The affignyouded.

gertain fum not to exceed in the whole the faid fum of one million, to be raifed either by fuch loans as aforefaid, or by iffuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the com-Treasury may missioners of his Majesty's treasury, or any three or more of them make new bills now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any fum or fums of money not exceeding in the whole the faid fum of one million, together with fuch loans as aforesaid, in the same or like manner, form, or order, and according to the fame or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thoufand feven hundred and forty eight) are enacted and prescribed,

for railing the faid one million, &c.

The exchasubject to the regulations contained in

faid act.

IX. And be it further enacted by the authority aforesaid, quer bills to be That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the faid last-mentioned act relating to the loans or exchequer \$1 Geo. 2. c. 1. bills authorized to be made by the same act, except such clauses as do charge the same on the rates or duties, granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the faid last mentioned act, or as if the said feveral clauses or provisoes had been particularly repeated or reenacted in the body of this present act.

concerning the exchequer bills to be made in pursuance of the

Exchequer hills, &c. to he repaid out of the finking tund.

X. And be it enacted by the authority aforesaid, That all the exchequer bills as shall be made in pursuance of this act, and the interest, premium, rate, and charges incident to, or attending the fame, shall be and are hereby charged and chargeable upon, and shall be repaid and borne by or out of the growing produce of the faid furpluffes, excesses, or overplus monies, commonly called The finking fund (except such monies of the finking fund as are appropriated to any particular use or uses by



### 1748.] Anno vicesimo primo Georgii II. c. 23.

any former or other act or acts of parliament in that behalf) and fuch monies of the faid finking fund shall and may be iffued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and difcharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose he kept and referved in the exchequer, to be payable on demand to the respec-

tive proprietors thereof.

XI. Provided always, and be it enacted by the authority afore- The surplus of faid, That all the monies coming into the exchequer, either by the malt act, loans or exchequer bills, upon one act of this fession of parlia- &c. ment, (intituled, An act for continuing the duties upon malt, mum, conter, and perry, in that part of Great Britain called England, and for granting to his Majefly certain duties upon malt, mum, cyder, and perry, in that part of Great Britain called Scotland; for the service of the year one thousand seven hundred and forty eight;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the fame act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the faid duties, shall be fatisfied, or money sufficient shall be referved in the exchequer to discharge the same; and also all Annuities, the monies coming into the exchequer by fale of annuities, after the rate of four pounds per centum per annum, upon one other act of this session of parliament (intituled, An act for granting to bis Majesty a subsidy of poundage upon all goods and merchandizes to be imported into this kingdom; and for raising a certain sum of money by annuities, and a lottery, to be charged on the said subsidy; and for repealing so much of an act made in the twentieth year of his prefent Majesty's reign, as enacts, That prize goods and merchandize may be exported without paying any duty of custom or excise for the same;) and also all the monies coming into the exchequer, either by Land tax, loans or exchequer bills, upon one other act of this fellion of parliament, (intituled, An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and forty eight;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereon, and the charges thereby allowable for raifing the faild land tax, shall be satisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of applied. one-million by this act granted, shall be further appropriated and applied, and are hereby appropriated for and towards the feveral uses, intents, and purposes herein after expressed (that is to fay)

XII. It is herein enacted and declared, That out of all or Out of the aids any the aids or supplies aforesaid, there shall and may be issued in general to and applied any fum or fums of money, not exceeding two be paid, millions two hundred ninety eight thousand eight hundred twen- 2,298,8271. 98. 5d. to naval ty fervices.



Anno vicelimo prime Georgii II. c. 14 [1748·

ty leven pounds, nine skillings, and five pence, for er-towards the navel fervices herein after more particularly expressed; that is to fay, for or towards defraying the charges of the ordinary of his Majerty's navy, and for half-pay to fea-officers; and for or towards victuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards fea fervices in the office of ordnance, performed and to be performed; and for or towards carrying on the building of the intended hospital for sick and wounded seamen at Gesport, for the year one thousand seven hundred and forty eight.

Practicates. of transports.

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MIII. And it is hereby also enacted by the authority aforefaid, 3d. for freight That out of all or any the aids or supplies aforesaid, there shall and may be iffued and applied any fum or fums of money, not exceeding ninety one thousand four hundred ninety fix pounds, fixteen shillings, and three pence, for the freight of transports in the year one thousand seven hundred and forty feven; and any fum or fums of money, not exceeding forty three thousand nine d. forvictual- hundred thirty seven pounds, eleven shillings, and three pence, for the expence of victuals provided for his Majesty's land forces; in the year one thousand seven hundred and forty seven.

43,937 l. 11 S. ng the land forces.

20,000 l. to Green wich hospital.

3,000,000 la towards the dobt of the 無事ギザー

go1,629 l. 185. a d. to the office of ordernce.

206,089 l. 198.

XVI. And it is hereby likewise enacted, That out of all or

3d. to the ma- any the aids or supplies provided as aforesaid, there shall and may be iffued and applied any fum or fums of money, not exoccding one hundred ninety fix thousand eighty nine pounds, nineteen shillings, and seven pence, for defraying the charge of eleven thousand five hundred and fifty marines (commission and non-commission officers included) for the service of the year-one

thousand seven hundred and forty eight.

3,761,576 1. 98. 1d. 1q. to the land forces;

XVII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be iffued and applied any fum or fums of money, not exceeding three millions seven hundred fixty one thousand five hundred feventy fix pounds, nine shillings, and one penny farthing, for or towards maintaining his Majesty's land forces, and other fer-

MIV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any furn or fums of money, not exceeding ten thouland pounds, upon account, towards the support of the royal hospital at Greenwich, for the better maintenance of the faid hospital, worn out and become decrepit in the service of their country; and any fum or fums of money, not exceeding one million, towards paying off and discharging the debt of the navy.

XV. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money, not exceeding five hundred one thousand fix hundred twenty nine pounds, eighteen shillings, and two pence, for or towards defraying the charge of the office of ordnance for land fervice, for the year one thousand seven hundred and forty eight, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

### Anno vicesimo primo Georgii II. c. 23. 1748.]

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vices herein after more particularly expressed; (that is to say) of which dred fixty seven thousand three hundred seventy six pounds, for guards and fifteen shillings, and nine pence three farthings, for defraying garrisons, &c. the charge of the forty nine thousand nine hundred and thirty in Great Brinine effective men, including commission and non-commission tain, Guernofficers, and one thousand eight hundred and fifteen invalids, to fey; be employed for the service of the year one thousand seven hundred and forty eight; and any sum or sums of money, not ex- 350,034 l. 14s. ceeding three hundred fifty thousand thirty four pounds four- 1d. 3 q. for teen shillings, and one penny three farthings, for maintaining the forces in his Majesty's forces and garrisons in the plantations, Minorca tions, &c. and Gibraltar, and for provisions for the garrisons at Annapolis Royal, Placentia, Gibraltar, Georgia, Rattan, and Cape Breton, for the year one thousand seven hundred and forty eight; and any 460,2231. 105. fum or lums of money, not exceeding four hundred fixty thou- for the troops fand two hundred twenty three pounds, ten shillings, for de- of Hanover; fraying the expence of the pay and subsistence of a body of the troops of Hanover, confisting of five thousand horse, and seventeen thousand and seventy foot, making in the whole twenty two thousand and seventy men, to act in the Low Countries, with the Austrian troops, and those of the States General of the united provinces, for the year one thousand seven hundred and forty eight; and any fum or fums of money, not exceeding ten 10,000l. for a thousand pounds, for a train of artillery to attend the said troops; train of arand any fum or fums of money, not exceeding one hundred fixty tillery. feven thousand eight hundred eighty one pounds, eighteen shil- 167,8811. 185. lings, and ten pence, for the proportion of the subsidy payable rod for troops by Great Britain to the empress of Russia, for a body of troops of Russia. to confift of thirty thousand men, to be employed for the service of Great Britzin, the States General of the united provinces, and their allies, for the year one thousand seven hundred and forty eight, and for defraying the charge of the march of the faid troops to the frontiers of Upper Silefia; and any fum or fums of 150,000 l. for money, not exceeding one hundred and fifty thousand pounds forage, &c. upon account, for the year one thousand seven hundred and for the said forty eight, towards defraying the proportion payable by Great Britain of the provisions and forage to be furnished to the faid troops, from the time of their arrival on the frontiers of Upper Silefia, until they return to the frontiers of Polind; and any fum 161,951 1. 148. or sums of money not exceeding one hundred fixty one thousand 7d 1q. for nine hundred fifty one pounds, fourteen shillings, and seven sweden, &c. pence farthing, for defraying the charge of one thousand two hundred and fixty four horse, and four thousand nine hundred and eight foot, with the general officers, and train of artillery, the troops of his majesty the King of Sweden, as Landgrave of Hesse Cassell, in the pay of Great Britain, from the inenty fifth day of December, one thousand seven hundred and forty seven. to the twenty fourth day of December, one thousand seven hundred and forty eight, both inclusive, together with the subsidy for the said time, pursuant to treaty; and any sum or sums of money.

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57,792 l. 7 S. 5d. 2 q. for troops of the duke of Brunswick

400,000 l. to the Queen of Hungary.

300,000 l. to the King of Sardinia.

Elector of Mentz

od. to the varia.

53,8611. 35. for general and staff officers.

315,8761. 8 s. 9 d. 3 q. for the war in Flanders, &c.

27,2241. 6 S. to officers on half-pay.

pentions of reduced officers widows, &c.

money, not exceeding fifty seven thousand seven hundred ninety two pounds, seven shillings, and five pence halfpenny, for defraying his Majesty's proportion of the charge of maintaining four thousand eight hundred foot, with the general officers, and Wolfenbuttle; train of artillery, the troops of his most serene highness the duke of Brunfwick Wolfenbuttle, from the twenty fifth day of March, one thousand seven hundred and forty eight, to the twenty fourth day of December following, both inclusive, taken into the service of his Majesty and the States General, together with his Majesty's proportion of the subsidy, pursuant to treaty; and any fum or fums of money, not exceeding four hundred thousand pounds, to enable the Queen of Hungary to support her allies, and maintain fixty thousand men in the Low Countries, and the like number in Italy, for the year one thousand seven hundred and forty eight, pursuant to treaty; and any sum or sums of money, not exceeding three hundred thousand pounds, to make good his Majesty's engagements with the King of Sardi-3,6201. to the nia, pursuant to treaty; and any sum or sums of money, not exceeding eight thousand six hundred and twenty pounds, to make good his Majesty's engagements with the Elector of Mentz, 26,846 l. 11 s. pursuant to treaty; and any sum or sums of money, not exceeding twenty six thousand eight hundred forty six pounds, Elector of Ba- eleven shillings, and nine pence, to make good his Majesty's engagements with the Elector of Bavaria, pursuant to treaty; and any sum or sums of money, not exceeding fifty three thoufand eight hundred fixty one pounds, and three shillings, for the pay of the general, and general staff officers, and officers of the hospitals for his Majesty's land forces, for the year one thousand seven hundred and forty eight; and any sum or sums of money, not exceeding three hundred fifteen thousand eight hundred seventy six pounds, eight shillings, and nine pence three farthings, for defraying the extraordinary expences of his Majefty's land forces in Flanders, in North Britain, and America, and of other services, incurred in the year one thousand seven hundred and forty seven, and not provided for by parliament; and any fum or fums of money, not exceeding twenty feven thoufand two hundred twenty four pounds, fix shillings, upon account of half-pay to the reduced officers of his Majesty's land forces and marines, for the year one thousand seven hundred and forty eight, subject to such rules to be observed in the application of the faid half-pay, as are herein after prescribed con-3.886 l. 18 s. cerning the same; and any sum or sums of money, not exceed-8 d. 1 q. to the ing three thousand eight hundred eighty fix pounds, eighteen shillings, and eight pence farthing, for paying of pensions to the widows of such reduced officers of his Majesty's land forces and marines, as died upon the establishment of half-pay in Great Britain, and who were married to them before the twenty fifth day of December, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty eight; which faid sum of three thousand eight hundred eighty fix pounds, eighteen shillings, and eight pence farthing, shall be issued to

luch

luch person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their affigns, according to such establishments, lists, or other directions, and with and subject to fuch conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants, shall be graciously pleased to direct and appoint.

XVIII. And it is hereby also enacted, That out of all or any 500,000 l. to the aids or supplies aforesaid, there shall and may be issued and discharge the applied any fum or fums of money, not exceeding five hundred like fum borthousand pounds, to enable his Majesty to discharge the sum of rowed, &c. five hundred thousand pounds, raised in pursuance of an act passed in the last session of parliament, and charged on the first aids or supplies to be granted in parliament, after the twenty ninth day of September, one thousand seven hundred and forty

feven.

XIX. And it is hereby also enacted, That out of all or any 20,000 l. for the aids or supplies aforesaid, there shall and may be issued and building the paid to the commissioners for building a bridge cross the river bridge at Thames, from the city of Westminster to the opposite shore, in the county of Surrey, or any feven or more of them, or to fuch perfon or persons as shall be appointed under the hands and seals of the faid commissioners, or any seven or more of them, to receive the fame, the fum of twenty thousand pounds, without account, other than is directed for other monies raised by virtue of several former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

XX. And it is hereby also enacted, That out of all or any 500,000 l. to the aids or supplies aforesaid, there shall and may be issued and enable his applied any sum or sums of money not exceeding five hundred Majesty to thousand pounds, upon account, to enable his Majesty to carry war. on the war with vigour both by fea and land, and to make good fuch treaties as are or shall be made with his Majesty's allies,

for the year one thousand seven hundred and forty eight.

XXI. And it is hereby also enacted, That out of all or any 183,649 l. 23. the aids or supplies aforesaid, there shall and may be issued and 7 d. 29 to applied any fum or fums of money, not exceeding one hundred of Maffachus eighty three thousand fix hundred forty nine pounds, two shil- sets Bay; lings and seven pence halfpenny, for reimbursing to the province of Massachusets Bay the expences they have been at in taking and fecuring to the crown of Great Britain the island of Cape Breton, and its dependencies; and any sum or sums of mo- 16,355 l. 13 .. ney, not exceeding fixteen thousand three hundred fifty five 4 d. to the pounds, thirteen shillings, and four pence, for reimburfing to province of the province of New Hampshire their expences in the said expe- New Hampdition; and any sum or sums of money, not exceeding twenty 18,863 l. 198 eight thousand eight hundred fixty three pounds, nineteen shil- i d. to the lings, and one penny, for reimburfing to the colony of Connecti- colony of Concut necticut;

#### Anno vicesimo primo Georgii II. c. 23. 1748.

6,3321. 12 8. 10 d. to the colony of Rhode Island; 547 l. 158. to elquire.

152,037 l. 12 S 2d. as a compentation for the heretable jurisdictions in Scotland.

7,118 1. 5 5. 9 d. to make good the deficiency of the stamp duties.

13,6601. 18 s. 6 d. to make ciency of the duties on iweets. 35,000 l. for falt duties.

29,765 l. 195. 5 d. to make tional duties on wines.

16,362 l. 8 s. 5d. to make ciency on lirituous liquors. 34,177 1. 7 5. 4d. 2q. to make good the deficiency on glass and

cut their expenses in the faid expedition; and any fum or fums of money, not exceeding fix thousand three hundred thirty two pounds, twelve shillings, and ten pence, for reimbursing to the colony of Rhode Island their expences in the faid expedition; James Gibson and any sum or sums of money, not exceeding five hundred forty seven pounds, fifteen shillings, to James Gibson esquire, for his dervices and expenses in the faid expedition.

> XXII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money, not exceeding one hundred fifty two thousand thirty seven pounds, twelve shillings, and two pence, to enable his Majesty to make reasonable and just compensation and satisfaction for the heretable jurisdictions and offices in Scotland, as allowed by the court of session there, in

pursuance of an act of the last session of parliament.

XXIII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any fum or fums of money, not exceeding feven thoufand one hundred eighteen pounds, five shillings, and nine pence, to replace to the finking fund the like fum paid out of the fame, to make good the deficiency of the additional stamp duties at Christmas, one thousand seven hundred and forty six; and any fum or fums of money not exceeding thirteen thousand fix hundred fixty pounds, eighteen shillings, and fix pence, to replace to the faid finking fund the like fum paid out of the same, to make good the deficiency of the duty of twelve shilgood the defi- lings a barrel on sweets, or wines made from British or foreign fruit or fugar, at Michaelmas, one thousand seven hundred and forty feven; and any fum or fums of money, not exceeding thirty five thousand pounds, to replace to the said sinking fund interest on the the like sum paid out of the same, to answer one year's interest due at Michaelmas, one thousand seven hundred and forty seven, after the rate of three pounds ten shillings per centum per annum, on the principal fum of one million lent on credit of the falt duties, which were continued for fix years, from Lady-day, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any fum or fums of money, not exceeding twenty nine thousand good the addi- feven hundred fixty five pounds, nineteen thillings, and five pence, to replace to the faid finking fund the like fum paid out of the fame, to make good the deficiency of the additional duties on wines at Midsummer, one thousand seven hundred and forty feven; and any fum or fums of money, not exceeding good the defi- fixteen thousand three hundred fixty two pounds, eight shiftings, and five pence, to replace to the faid finking fund the like fum cences for spi- paid out of the same, to make good the deficiency of the duty on licences for retailing of spirituous liquors, at Lady-day, one thousand seven hundred and forty seven; and any sum or sums of money, not exceeding thirty four thousand one hundred feventy feven pounds, feven shillings, and three pence helfpenny, to replace to the faid finking fund the like fum paid out

#### Anno vicesimo primo GEORGII II. C. 231 1748.]

of the same, to make good the deficiency of the duties on glass spirituous liand spirituous liquors, at Midsummer, one thousand seven hun- quors at Middred and forty seven; and any sum or sums of money, not ex- 39,8461. 11 8ceeding thirty nine thousand eight hundred forty fix pounds, -d 2q. at eleven shillings, and seven pence halfpenny, for making good Christmas. the deficiency at Christmas, one thousand seven hundred and forty seven, of the said duties on glass and spirituous liquors; 571,827 1: 188. and any sum or sums of money, not exceeding five hundred 7d. Deficiency feventy one thousand eight hundred twenty seven pounds, the year 1747. eighteen shillings, and seven pence, to make good the desiciency of the grants for the service of the year one thousand seven hun-

dred and forty leven.

XXIV. And be it further enacted by the authority aforesaid, The supplies That the faid aids or supplies provided as aforesaid shall not be to be applied iffued or applied to any use, intent, or purpose whatsoever, o- only as this ther than the uses and purposes before mentioned, or for the act directs. feveral deficiencies or other payments directed to be fatisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this prefent session of parliament. And as to the said sum of twenty Rules to be feven thousand two hundred twenty four pounds, six shillings, observed in by this act appropriated on account of half-pay, as aforesaid; tion of the it is hereby enacted and declared by the authority aforefaid, fum of That the rules herein after prescribed shall be duly observed in 27,2241.68. the application thereof; that is to fay, That no person shall appropriated have or receive any part of the fame, who was a minor, and on account of under the age of fixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the faid half-pay; that no chaplain of any garison or regiment, who has any ecclefiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the fame, who has refigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were-lately taken off the establishment of half-pay in Great Bri-

XXV. And whereas by an act of parliament made in the twentieth 20Geo.2.C.36. year of his Majesty's reign, (intituled, An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and forty seven : and also for enabling his Majesty to raise a further sum of money for the uses and purposes therein mentioned; and for the further



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further appropriating the supplies granted in this session of parliament; and for applying a certain fum of money for defraying the charge of the allowances to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, for the year one thousand seven hundred and forty seven; and for continuing the bounties on the exportation of British and Irish coarse linens) several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid att were prescribed in that behalf; now it is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said fum of twenty nine thousand nine hundred fourteen pounds, fifteen shillings, and ten pence, as is or shall be more than sufficient to fatisfy the faid reduced officers, according to the rules prescribed by the said act to be observed in the application thereof, or any part of such overplus, shall or may be disposed of to fuch officers who are maimed or lost their limbs in the late wars, or fuch others, as by reason of their long service, or otherwise, his Majesty shall judge to be proper objects of charity; or to the widows or children of fuch officers, according to fuch warrant or warrants, under his Majesty's royal sign manual, as shall be figned in that behalf; any thing in this act, or the said former act to the contrary notwithstanding.

The furplus of last year's half-pay, to be applied to fuch objects as his Majesty shall direct.

XXVI. And it is hereby likewise enacted, That out of the monies or favings arising from the money granted by parliament, for the relief and provision of the widows of officers, who have been killed or died in the service, there shall and may be issued and applied, by any warrant or warrants of his Majesty, under his royal sign manual, any sum or sums of money, not exceeding eight thousand eight hundred sifty one pounds, sive shillings, for defraying the charge of allowances to several officers and private gentlemen of two troops of horse guards, and three regiments of horse lately reduced, together with the incident charges arising therefrom, for the service of the year one thousand seven hundred and forty eight.

\$,851 l. 55. to the 2 troops of horse guards, &c. lately reduced.

### CAP. XXIV.

An act for building a church in the town of Liverpool, in the county palatine of Lancaster, and for enlightening and cleaning the streets of the said town, and for keeping and maintaining a nightly watch there.

### CAP. XXV.

An act for repairing the roads leading from Sutton Colefield common to the town of Walfall, and from Sneals Green to Walfall, and from Walfall to Park Brook, which divides the parishes of Wolverhampton and Walfall, and from Gibbet Lane to Wolverhampton, and from Compton to the end of the county of Stafford, and from Wolverhamp-

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ton to the Wergs, and from thence to Shifnall, and from the Wergs to Hales Heath, and from Wolverhampton to Cannock Wood in the road to Lichfield.

Certain tolls granted for 21 years.

### CAP. XXVI.

An act for explaining, amending, and enforcing an act made in the eighteenth year of the reign of his present Majesty, intituled, An act for prohibiting the wearing and importation of cambricks and French lawns.

X7HEREAS by an act made in the eighteenth year of the 18Geo. 2. c. 36. reign of his present Majesty (intituled, An act for prohibiting the wearing and importation of cambricks and French lawns) it is (amongst other things) enacted, That from and after the twenty fourth day of June, which shall be in the year of our Lord one thou-Sand Seven hundred and forty eight, it shall not be lawful for any per-Son or persons what soever to wear in Great Britain, in any garment or apparel what soever, any cambrick or French lawn, under penalty to the informer of five pounds of lawful money of Great Britain, for every such offence, being thereof lawfully convicted by the oath or oaths of one or more witness or witnesses, before any one or more justice or justices of the peace, to be levied and recovered as is therein directed: and whereas it is further enacted by the aforesaid act, That from and after the said twenty fourth day of June, one thousand seven hundred and forty eight, if any person shall wend, utter, sell, or expose to sale, any cambricks or French la:uns, made, or not made up, fuch person or persons so vending, uttering, selling, or exposing the same to sale (except for exportation only) who shall be thereof convicted, shall forfeit and pay the like sum of five pounds, to be recovered and levied as aforesaid: and whereas it is further provided and declared by the said act, That if any person shall, after the said twenty fourth day of June. one thousand seven hundred and forty eight, be prosecuted for wearing fuch cambrick or French lawn, and fuch person shall discover upon oath. before any one or more justice or justices of the peace, the person or perfons who fold fuch cambricks or French lawns, to fuch person wearing the same, such person so discovering as aforesaid, shall be, and is thereby discharged from all penalties and forfeitures inflicted by the said act; and that the person or persons so selling such cambrick or French lawns, shall be liable to the penalties and forfeitures laid and inflisted by the faid act: and whereas some doubts have arisen, or may arise, whether by the words of the said recited att any penalty can be inflicted, either upon the wearer of any fuch cambrick or French lawn, who shall discover the vender or seller thereof, or upon the vender or Seller so discovered by the wearer thereof, in case it shall appear that the faid cambrick or French lawn was fold to fuch wearer previous to the aforesaid twenty fourth day of June, one thousand seven hundred and forty eight; by which means such cambricks and French lawns may happen to be worn for a great number of years, without any penalty what soever laid or inflicted, either on the wearer or feller thereof, contrary to the true intent and meaning of the faid act, fo evident-VOL. XIX.

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ly advantageous to this kingdom: and whereas it may be difficult for many persons to ascertain upon oath, where or from whom such cambricks or French lawns were bought, which have been for any considerable time in their possession: for the avoiding therefore of all such doubts and difficulties as aforesaid, be it enacted and declared; and it is hereby enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That if any person or persons, who after the twenty fourth day of Persons prose- June, one thousand seven hundred and forty eight, and before the twenty fifth day of March, one thousand seven hundred and wearing cam- forty nine, shall be prosecuted for wearing in or on any garment or apparel, any cambricks or French lawns, shall make an affidavit, or bring fufficient proof, or by the oath or affidavit of the husband or wife of the party accused, or by the oath or affidavit of any other credible person, before one or more justice or justices of the peace, that the same was bought on or before the twenty fourth day of June, one thousand seven hundred and forty eight, such wearer shall be, and is hereby discharged from any penalty or forteiture inflicted by the faid act.

The vender convicted of felling cambrick atter 24 June, 1748, to be liable.

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cuted for

brick, producing proof

that the fame

was bought

June, 1748,

discharged.

before 24

II. And be it further enacted by the authority aforesaid, That at any time from and after the twenty fourth day of June, one thousand seven hundred and forty eight, if any wearer of cambrick or French lawn, who shall be prosecuted by virtue of the faid in part recited act for wearing the same, and who shall have purchased the same after the tweety fourth day of June, one thousand seven hundred and forty eight, shall discover to the satisfaction of the justice or justices, the vender or seller of fuch cambrick or Fremb lawn, and likewise that the same was fold by fuch vender or feller after the faid twenty fourth day of June, one thousand seven hundred and forty eight, so as such vender or seller be convicted, and become liable to the penalties and forfeitures laid and inflicted by the faid act, then, and not otherwise, such wearer so prosecuted shall be and is hereby discharged from any penalty or forfeiture laid or inflicted by the faid act; any thing in this or in the faid act to the contrary notwithstanding.

Penalties to go to the inturmer.

III. And it is hereby further enacted by the authority aforesaid, That whenever any person informed against for wearing fuch cambrick or French lawn shall be excused from the penalty by discovering the vender or seller thereof, the penalty to be levied and inflicted on such vender or seller in every such case, shall go and belong to the person who informed against the wearer thereof.

IV. And whereas the penalties to which wearers of cambricks or French lawns are made Subject, either by the faid former law, or this present act, cannot in case the person convicted be a seme covert, be leviet by law on the goods and chattles of her husband, by means of . which the intent of the faid former and of this present act may happen to be evaded: for remedy thereof, be it further enacted by the autho-

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authority aforesaid, That in all cases where the offender shall, Penalties inat the time of the offence committed, or at the time of the conferme covert, viction, happen to be a feme covert, living with her husband, to be levied the penalties which should be levied on the goods and chattles on the goods of such offender, in case she had been then unmarried, shall of the husand may be levied on the goods and chattles of her husband; band. any law to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That Milliners if any milliner, sempstress, or other person whatsoever, shall for making up hire, from and after the said twenty fourth day of June, one cambricks, thousand seven hundred and forty eight, make up any cambrick liable to the or French lawn for, in, or upon any garment or wearing apparel, penalties. fuch milliner, sempstress, or other person, shall be liable to the like penalties and forfeitures, as the sellers of cambrick or French lawn are liable to, by virtue of the faid act of the eighteenth year of his Majesty's reign, to be prosecuted and levied, and the faid penalties and forfeitures to be applied in the like manner, as the several penalties and forfeitures are directed to be prosecuted, levied, and applied, by this or the said in part recited act.

VI. And be it further enacted by the authority aforesaid, Quakers affir-That in all cases wherein by this act an oath is required to be mation to be made and taken, the folemn affirmation of any person, being a taken. Quaker, shall and may be accepted and taken in lieu thereof; and that every instance of wilful and corrupt false affirming, shall Penalty of subject such person to the same penalties and forfeitures, as he false affirmwould by law have been liable to, if the fame matter had been ing. declared upon oath or affidavit directed by this act.

### CAP. XXVII.

An act for repairing the high road from Peirsbridge to Kirkmerrington in the county of Durham, and from thence to the turnpike road at Tudhoe lane end in the faid county.

Certain tolls granted for 21 years.

### CAP. XXVIII.

An all to explain and amend an all passed in the fourteenth year of bis Majesty's reign, intituled, An act for the preservation of the publick roads in that part of Great Britain called England; and so much of an act passed in the shird year of the reign of King William and Queen Mary, intituled, An act for the better repairing and amending the highways; and for fettling the rates of the carriage of goods, as relates to the settling the rates of the carriage of goods.

THEREAS by an act passed in the fourteenth year of his pre- 14Geo.2.C.43. fent Majesty's reign, intituled, An act for the preservation of the publick roads in that part of Great Britain called England, it was enacted, That it should and might be lawful to and for all trustees

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trustees appointed, or thereafter to be appointed by any act or acts of parliament, for the repair of any highway in that part of Great Britain called England, or any five of them, at any or as many gate or gates, bar or bars, as they had erected, or should erect, for the receiving of any toll or tolls, to order, or cause to be built or erected, any crane, machine, or engine for weighing of carts, waggons, or other carriages, for the conveying of any goods and merchandize, except as therein is excepted, and to order all such carriages which should pass any such gate or bar, to be weighed, together with the loading thereof, and to take, over and above any toll granted, the fum of twenty shillings a hundred weight, for every hundred weight which every such carriage, together with the loading thereof, should weigh over and above the weight of fixty hundred: and whereas divers toll-gates and turnpikes, erected and set up pursuant to several acts of parliament made for repairing and amending highways and publick roads, do fland and are situate at such places upon the said highways and roads respectively, as are not suitable or convenient for the erecting of proper engines and machines for the weighing of carriages as aforesaid; and it would tend to the preservation of the said roads and highways, and the benefit of the publick, if such engines were erected at some other part of the faid roads: and whereas several persons driving carts, waggons, and other carriages, do frequently (in order to avoid paying the said duty or penalty of twenty shillings) take out part of the loading from the Said carriages before they come to the Said weighing engines, and reload them again after they have poffed the faid engines, to the great damage and hurt of the faid roads, and contrary to the intention of the said act: wherefore for remedying and preventing the faid inconveniencies and mischiefs, be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That it shall and may be lawful to and for all commissioners or trustees, appointed or hereafter to be appointed for the repair of any highway in that part of Great Britain called England, or any for the weigh- five of them respectively, to order or cause to be built or erected any crane, machine, or engine, for the weighing of carts, waggons, or other carriages, upon any part of the road within their respective jurisdictions, and at such distance from any turnpike, bar, or toll-gate, erected and fet up in or upon the same road, as they respectively shall think requisite and expedient; and to cause all carriages travelling the said road (except such as are by the faid act excepted) with their loading, to be weighed, and to take twenty shillings a hundred weight, for every hundred weight, which any fuch carriage with the loading thereof shall weigh, over and above fixty hundred weight; and which duty or payment of twenty shillings per hundred as aforesaid, shall be taken, levied, and applied in the same manner, as by the faid act is directed; and all persons opposing the weighing the faid carriages, or levying the faid duty, shall be liable to the penalties by the faid act inflicted on such offenders in the like case, to be levied and applied as is therein mentioned.

Trustees of the highways impowered to erect engines ing of carriages,

and to take 20 s. for every hundred weight exceeding fixty;

recovery and application of the fines.

Penalty of oppoling.

II. And

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II. And be it further enacted, That if any person shall, after the tenth day of June, one thousand seven hundred and for- Penalty of unty eight, unload or cause to be unladen any goods or merchan-der to evade dize, out of any waggon, cart, or other carriage (except fuch the 20s. fine. as in the faid act is excepted) before such waggon, cart, or carriage shall come to any weighing engine, erected or to be erected by virtue or in pursuance of this present act, or any other act, made or to be made for the repair or preservation of any publick highway or road within this kingdom, in order to avoid the payment of the faid duty of twenty shillings per hundred, or shall load or lay upon any such carriage, after the same shall have paffed any fuch weighing engine, any goods, wares, or merchandize taken or laden from any horse, cart, or other carriage, belonging to, or hired, or borrowed by the same wagoner or carrier, every person so offending shall, for every such offence, forfeit and pay to the commissioners or trustees for repairing the road where any fuch offence shall be committed, the fum of twenty pounds, to be paid by, and recovered and levied upon the goods and effects of the owner of every fuch waggon or carriage, in fuch manner, as other forfeitures are by the faid act directed to be recovered and levied; and the same forfeitures shall be applied to the repair of the faid roads.

III. And whereas by an act made and passed in the third year of 3W.&M.c.12. the reign of King William and Queen Mary, intituled, An act for the better repairing and amending the highways, and for fettling the rates of carriage of goods, it is enacted, That the justices of the peace of every county, and other place within the realm of England, or dominion of Wales, should have power and authority, and they were thereby enjoined and required, at their next respective quarter session after Easter, yearly, to assess and rate the prices of all Land carriage of goods what soever, to be brought into any place within their respective limits and jurisdictions, by any common waggoner or carrier, to be certified and published in such manner as is therein mentioned; and that no such common waggoner or carrier should take for the carriage of such goods or merchandize, above the rates and prices So Set, upon pain to forfeit for every such offence the sum of five pounds, to be levied and recovered as is by the said att directed: and whereas no rates for the carriage of goods, from distant parts of the kingdom to the city of London, and places adjacent, have been yet lettled, and several common waggoners and carriers have from thence taken occasion to enhance the price of carriage of goods to the prejudice and obstruction of trade; be it therefore further enacted by the Penalty of authority aforesaid, That if any common waggoner or carrier waggoners shall, after the tenth day of June, one thousand seven hundred demanding a and forty eight, demand and take any greater price for the for carriage bringing of goods to the city of London, or to any place within than allowed, the bills of mortality, than is allowed and settled by the justices of the peace for the county or place from whence such goods are brought, for the carrying of goods from London to the said county or place, every fuch carrier or waggoner shall, for every foch offence, forfeit and pay the sum of five pounds, to the use

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of the party grieved, to be recovered and levied in the manner by the last-mentioned act directed, or by distress and sale of his goods, by warrant under the hands and seals of any two justices of the peace for the counties of Middlesex or Surrey, or city of London, or city and liberty of Westminster; and the clerk of the peace for every county and place shall, immediately after Easter fession yearly, certify to the lord mayor of the city of London, and also to the respective clerks of the peace for the counties of Middlesex and Surrey, and city and liberty of Westminster, the rates and affestments made for the carriage of goods in pursuance of the said act, in their respective counties and places, which certificate, or an attested copy thereof, signed by the officer to whom the same shall be so transmitted, shall be taken and deemed sufficient evidence of the rates and prices set for the car-

Clerks of the peace to certify yearly the rates for carrage.

name and

carriage

rying of goods to any county or place.

Waggoner's abode to be written on the

IV. And for the better discovery of offenders against this present act, be it enacted, That every common waggoner or carrier shall, after the first day of July, one thousand seven hundred and forty eight, place, write, or paint, or cause to be placed, written, or painted, upon some conspicuous part of his waggon or cart, before he shall use or drive the same, his christian and surname, and the place of his abode, in large or capital letters, upon pain to forfeit for every such offence the sum of twenty shillings, to be levied and recovered as aforesaid.

Limitation of actions.-

General issue.

V. And be it further enacted, That if any action or actions shall at any time or times hereafter be brought against any perfon or persons whatsoever, for any matter or thing, which he, the, or they shall do or cause to be done by virtue or in execution of this act; that in such case the defendant or defendants, in every fuch action or actions, shall and may plead the general iffue, and give this act, and the special matter in evidence, on any trial or trials to be hereafter had in fuch action or actions; and that if the plaintiff or plaintiffs, in any fuch action or actions shall discontinue such action or actions, or become nonsuit, or if judgement shall be given against such plaintiff or plaintiffs in such action or actions, that then the defendant or defendants, in every fuch action or actions, shall recover his or their treble costs of suit; any law, custom, or usage whatsoever to the contrary in any wife notwithstanding.

Treble cofts.

## CAP. XXIX.

An all for the further relief of the orphans and other creditors of the city of London; and for other purposes therein mentioned.

& 6 W. & M. c. 19.

THEREAS by an act passed in the fifth and sixth years of the reign of King William and Queen Mary (intituled, An act for relief of the orphans and other creditors of the city of London) it is amongst other things enacted, That for and towards raifing a perpetual fund to pay the yearly interest of four pounds on cuery



#### 1748.] Anno vicelimo primo GEORGII II. C. 29.

every bundred pounds due to the orphans and other creditors of the city of London, there should be paid on all forts of coal or culm which should be imported into the port of the city of London, or the river of Thames within the liberty of the faid city, upon the faid river, from and after the nine and twentieth day of September, which should be in the year of our Lord one thousand seven hundred (over and above all other impositions and duties) the sum of six pence for every chaldron thereof, and for such fort of coals as are sold by the ton, for every ton thereof, containing two thousand weight, the like fum of fix pence; which imposition of fix pence was, by the said act, to continue from the said nine and twentieth day of September, for and during the term of fifty years, and no longer: and whereas it was further enacted by the said act, That from and after such time, as the aforesaid imposition of six pence thereby laid should cease and determine, all and every the manors, messuages, lands, tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the said city of London, in possession or reversion, should stand and be charged with the full yearly sum of six thousand pounds (over and above the yearly sum of eight thousand pounds, wherewith they were charged by the said act) towards the aforesaid perpetual fund: and whereas, by means of the great fall of rents in the city of London, the estate of the said city is not sufficient to pay the said yearly sum of six thousand pounds, over and above the said yearly sum of eight thousand pounds, which the said city now pays, and have a sufficient residue to answer and defray the expences neces-Sary for supporting the government and publick charges of the said city: and whereas in case the said imposition of six pence per chaldron or ton of coals, should cease and determine on the nine and twentieth day of September, in the year of our Lard one thousand seven hundred and fifty, according to the said act, the residue of the funds appropriated by that all for the yearly payment of four pounds for interest on every hundred pounds principal money, due to the orphans and other creditors of the said city, together with the said additional yearly sum of six thousand pounds, would not be sufficient for that purpose: therefore to enable the said city of London to defray the necessary expences of supporting the government and publick charges of the said city, and for the further relief of the orphans and other creditors of the faid city, by securing to them the yearly interest of four pounds on every hundred pounds of their principal debt, until the said principal debt shall be paid off and discharged; may it please your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said imposition of six pence The duty of for every chaldron or ton of coals to imported, granted by the 6d. per chalfaid act, to the mayor, commonalty, and citizens of the faid city dron on coals of London, during the term of fifty years, for the purposes continued for therein mentioned, shall be and is hereby continued for the fur- 35 years, ther term of thirty five years, from the expiration of the faid term of fifty years; and that all and every the powers, autho-

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Anno vicesimo primo GEORGII II. c. 29. [1748.

rities, directions, and provisions, contained in the said act, for the collecting, levying, and recovering of the faid imposition, and all the penalties thereby imposed, and regulations therein made, for preventing of fraud and covin, shall remain and be in force, and by virtue of this shall and may be exercised and put in ure, for the collecting, levying, and recovering the said imposition, for and during all the time by this act limited and appointed for the payment thereof, as if the same were expresly mentioned in this present act; all which monies so to be received upon account of the faid imposition hereby continued for the further term of thirty five years, shall, from time to time, be paid into the receipt of the chamber of the city of London, and shall be appropriated to the purposes herein after declared; that is to fay, the yearly sum of three thousand pounds, for and paid annually during the said term of thirty five years, shall be paid by the chamberlain of the faid city for the time being, out of the produce of the faid imposition, to the wardens and commonalty of the mystery of Mercers of the city of London, by half-yearly payments; that is to fay, on the twenty fifth day of March, and the twenty ninth day of September, or within fourteen days after the same respectively shall become due; to be applied by the faid wardens and commonalty of the mystery of Mercers of the city of London, towards the payment of annuities, and other debts, in such manner as by any act of parliament is or shall be directed; and the relidue of the produce of the faid impolition, during the faid term of thirty five years, shall be, and is hereby appropriated to make part of the aforefaid fund, for paying the interest on the principal debt owing to the orphans and other creditors of the faid city of London, in the same manner as the present imposition of fix pence on every chaldron or ton of coals, so imported as aforesaid, is by the said act appropriated.

to be paid into

g,oool. to be

to the Mercers

company.

the chamber of London.

Application of the refidue.

1750, the revenues of the city to be s,oool. anmalia.

II. And be it further enacted by the authority aforesaid, After 29 Sep. That from and after the faid nine and twentieth day of September, which shall be in the year of our Lord one thousand seven hundred and fifty, all and every the manors, messuages, lands, charged with tenements, markets, fairs, and the duties thereof, and all other the revenues of and belonging to the faid city of London, in poffession or reversion, shall stand and be charged with the full yearly fum of two thousand pounds and no more (over and above the faid yearly fum of eight thousand pounds) which yearly sum of two thousand pounds is hereby appropriated and enacted to be applied to the same uses to which the said yearly sum of eight thousand pounds is by the said act made liable.

III. And whereas the fund appropriated by the Said att, for payment of the yearly interest of four pounds for every hundred pounds of the principal debt due to the orphans and other creditors of the city of London, has produced a very large surplus (over and above sufficient to pay the said interest) including the sum of twenty one theusand seven bundred thirty five pounds, seventeen shillings, and nine pence, due from the mayor, commonalty, and citizens of the faid city of London, to the faid fund, on the twenty fourth day of June

now



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now last past, to make good the yearly sum of two thousand pounds, which, by virtue of the said act, ought to have been raised on the per-Sonal estates of the several inhabitants within the said city: and whereas it is fit and reasonable, that the said surplus as also all other surplusses, which shall arise from the said fund, as settled by the said act, to the nine and twentieth day of September, which shall be in the year of our Lord one thousand seven hundred and fifty, and from the fund as settled by this act from the last-mentioned day, should be applied, from time to time, to pay off and discharge such part of the principal debt owing by the said mayor, commonalty, and citizens, under the said act, as the same will amount unto; be it therefore further enacted by the authority aforesaid, That the court of Lord mayor mayor and aldermen of the faid city of London, shall be, and is and aldermen hereby impowered and directed to order the chamberlain of the impowered to faid city, out of any monies in his hands, arising from the im- pay off the positions and duties appropriated to pay the said interest on the principal and principal debt due to the orphans, and other creditors of the said upon the recity, after reserving sufficient monies to pay and discharge all cited act. interest which at that time may be due on the said principal debt, or fuch part thereof as shall be then unpaid, to pay to any perfon or persons, as the said court shall think fit, such sum or sums of money as shall be due to him, her, or them, for principal 3 months noand interest, by virtue of the said act, giving three months no- tice of paytice to or for the person or persons so to be paid off and dis- ment to be charged; at the end of which three months, upon payment or given. tendering of the said monies due for principal and interest, to or for the person or persons to whom such notice shall be given, according to the provision hereby made, at the office of the faid chamberlain, in Guildhall, London, then and from thenceforth the interest payable to such person or persons, to whom such notice, payment, or tender shall be given or made, shall cease and determine; nevertheless the monies so tendered shall be paid to such person or persons, upon their demand, and giving a discharge for the same; and the principal debt so paid off shall be annihilated.

IV. Provided, That no person, being an orphan of the said Orphans to be city of London, under the age of twenty one years, shall have paid last. the principal debt due to such orphan paid off and discharged, fo long as there shall be any person, not an orphan under the age of twenty one years, proprietor of any part of the faid principal debt due to the orphans and other creditors of the faid city.

V. And be it further enacted by the authority aforesaid, That Chamberlain after the said twenty ninth day or September, which shall be in to lay before the year of our Lord one thousand seven hundred and fifty, the the parliament chamberlain of the city of London for the time being shall, as an account of the furplus of foon as may be, lay before each house of parliament an account the fund, and of the furplus arisen from the said fund to the twenty fourth day the debt unof June preceding, with an account how much thereof shall discharged. have been then applied to the payment of the principal debt, and also how much of the said principal debt shall be then owing; and shall afterwards, every year, lay before each house of parliament



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parliament an account of the furplus which shall have arisen in that year, to the twenty fourth day of June preceding, how much thereof shall have been then applied to the payment of the faid principal debt, and how much of the faid debt shall then

remain unpaid.

Limitation of actions.

VI. And be it further enacted, That if any action, plaint, fuit, or information, shall be commenced or profecuted against any person or persons, for what he or they shall do in pursuance or in the execution of this act, such person or persons shall or may plead the general issue thereunto; and upon trial of any General iffue. iffue joined, may give this act and the special matter in evidence; and if the plaintiff or profecutor shall become nonsuit, or forbear further profecution, or fuffer discontinuance, or if a verdict pass against him, the defendant or defendants shall recover their costs; for which he or they shall have the like remedy, as in any case where costs by law are given to defendants.

Publick act.

VII. And be it enacted by the authority aforesaid, That this present act shall be accepted, taken, and be reputed to be a general act of parliament; of which all and every the judge and judges of this kingdom, in all courts, shall take notice on all occations whatfoever, as if it were a publick act of parliament relating to the whole kingdom.

### CAP. XXX.

An all for encouraging the making of indico in the British plantations in America.

WHEREAS the making of indice in the British plantations in America would be advantageous to the trade of this nation as great quantities are used in dying the manufactures of this kingdom; which at present being furnished from foreign parts, the supply of that necessary commodity is become at all times uncertain, and the price frequently exhorbitant: and whereas the culture thereof has been found to succeed so well in the provinces of South and North Carolina, that there is reason to hope, by a proper encouragement, the same may be encreased and improved to such a degree, as not only to answer all the demands of his Majesty's British subjects, but furnish considerable quantities to foreign markets; be it therefore enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled and by the authority of the same, 6d, per pound That from and after the twenty fifth day of March, one thou-Præmium al- fand feven hundred and forty nine, all and every person or perlowed on the fons who shall import, or cause to be imported into this kingdom, directly from any of the British colonies or plantations in America, in any ship or vessel, ships or vessels, that may lawfully trade to his Majesty's plantations, manned as by law is required, any good and merchantable indico, free from any false mixtures, and fit for dyers use, being the growth or product of the colony or plantation from whence the same is imported, shall have, and be intitled to, a reward or Pramium for such importation, after the rate of fixpence for every pound weight of

fuch

importation of indico, of the growth of the British plantations.



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fuch indico so imported as aforesaid, under such regulations as are herein after-mentioned, to be paid upon demand to the importer of such indico, by the collector of the port where the same shall be imported, out of the customs; and in case the collector of the port where the same shall be imported, shall not have money sufficient in his hands, he is hereby required to certify the same to the commissioners of the customs, who shall cause the same to be paid by the receiver general of his Majesty's customs (the bounty of the indico imported into England, to be paid by the receiver general of the customs in England, and of that imported into Scotland to be paid by the receiver general there.)

II. And in order to intitle the importer of the aforesaid indi- Persons loadco to such Pramium, as well as to prevent frauds by importing ing indico, to foreign plantation-made indico, or any false mixtures in what is produce a cermade in the British plantations, with a view of recovering the tificate from Præmium; be it further enacted by the authority aforesaid, the growth That all and every person or persons, merchant, trader, or and quantity; factor, loading any indico on board any ship or vessel, in any of the British colonies or plantations in America, shall, before the clearing out of the faid ship for any port of Great Britain, produce to the governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, a certificate or certificates, figned and fworn to before any justice of the peace in the said British colonies or plantations, by the planter or planters of the faid indico, or his or their known agent or factor, that a quantity of indico, expressing the weight thereof, had been sent from the said planter's indico

plantation, fituate in the district, division, or parish of within the island or colony of which faid certificate or certificates shall be attested by the said justice of the peace to have been figned and sworn to in his presence, who is hereby

work or plantation, where the same was made, in order to be shipped off, or fold by him to the person or persons therein named, and was of the growth and produce of the said planter's

required to do the same without any see or reward.

III. And be it further enacted, That the person or persons, and also to sign merchant, trader, or factor shall, at the time of his producing a certificate fuch certificate, sign also a certificate before the said governor, that the indico lieutenant governor, collector, and comptroller of the customs, shipt is the same mentiand naval officer, or any two of them, that the indico which he oned in the or they have shipped on board the said ship or vessel, is the same saidcertificate. mentioned in the faid certificate or certificates; and thereupon the faid governor, lieutenant governor, collector, and comptroller of the customs, and naval officer, or any two of them, are hereby authorized and required to deliver to fuch person or Officer to cerpersons a certificate, under their hands and seal of office, of his tite such ceror their having received fuch certificate or certificates; and that tificates. at the same time one or more certificate or certificates of the several planter or planters, their known agent or factor, had been produced to, and left with them, pursuant to the directions of

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this act; and no person or persons whatseever importing indico, into Great Britain, shall be entitled to the Pramium or reward by this act granted, unless such person or persons shall produce such certificate to the chief officer of the customs at the port in

Great Britain, where the same shall be imported.

Certificates to be given by the mafter of the veffel and by the officers of the cuf-

IV. And be it further enacted by the authority aforesaid, That on the importation of any indico into Great Britain, a certificate shall be given by the master or commanding officer of fuch ship or vessel importing such indico, that the same was shipped on board such ship or vessel, within such British colony or plantation in America, as is mentioned in the faid certificate; and also a certificate signed by the surveyors, land waiters, or fearchers, or any two of them, officers of the customs of the port where the fame is entered and landed in Great Britain, specifying the weight thereof, and that the said indico is good and merchantable, free from false mixtures, and of such quality as to be intitled to the faid Præmium or reward; which certificate the said officers are hereby required to grant within ten days next after the landing thereof, unless they can affign sufficient cause for their refusal; upon producing which several certificates to the proper officer as aforesaid, such officer shall be, and is hereby required to pay the Pramium to the importer of the faid indico.

Penalty of making entry of foreignmade indico, or any false minutes. V. And be it further enacted by the authority aforesaid, That if any person or persons shall make or cause to be made, an entry or entries of foreign-made indico, under the name of British plantation-made indico, or shall mix, or cause to be mixed, any foreign indico, or other false mixture or matter, with that made in the British plantations, in order to claim or recover the Pramium, as before-mentioned, every person or persons so making, or causing to be made, such entry or entries, or mixing, or causing such mixtures to be made, shall forfeit all such indico so entered; and in case of such mixture, the quantity so mixed, both foreign and British plantation-made, and likewish double the value thereof, shall be forseited by the person or persons who shall make or cause such mixture or mixtures to be made.

VI. And be it further enacted by the authority aforesaid, That no certificate shall be made out to allow the *Præmium* for such indico to be made in, and imported from the *British* plantations, that is not good and merchantable, and free from any false mix-

Officers of the customs to examine the indico.

VII. And that the officers of the customs may be the better able to discover any frauds intended for the receiving the aforesaid Præmium, be it further enacted by the authority aforesaid, That it shall and may be lawful for the said officers, and they are hereby required, before they make out any such certificate, to examine the said indico, by opening each package, and shifting the same, in such manner as to see the whole contents, or by such other means as they shall think proper, to find out and dis-



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discover whether the indico is good and merchantable, and free

from any falle mixture.

VIII. And in order to fix the standard of such indico as shall Standard of be intitled to the Pramium aforesaid, be it further enacted by indico intitled the authority aforesaid. That no certificate shall be granted by to the Prathe authority aforesaid, That no certificate shall be granted by mium. any furveyor, or other officer of his Majesty's customs, for any indico, which is not worth three shilling the pound weight, when the best French, or other indico, of equal goodness with the best French, is worth four shillings the pound weight; and fo in the same proportion, in case the price of the best French, or other indico of equal goodness, shall be at a higher or lower price.

IX. Provided always, That in case any doubt or dispute shall Method of setarise between the surveyors, or officers of the customs, and the tling disputes owners or importers of fuch indico as is imported into the port about the quaof London, as to the quality of the same, it shall and may be lity. lawful for the commissioners of his Majesty's customs, to call two or more dyers, dry falters, brokers, or others, well skilled, in that commodity, who shall declare upon oath, if required, their opinion, as to the quality of the same, and according to the best of their judgement determine whether the said indico.is intitled to the Pramium hereby granted or not; and if any doubt or dispute shall arise, as to the quality of the indico imported as aforefaid, into the out-ports in England,, samples thereof shall be taken and fent up to the commissioners of the customs at London, and into the out-ports in Scotland, to the commission-

adjudged there as before mentioned. X. And be it further enacted by the authority aforesaid, That No fee to be no fee, gratuity, or reward shall be demanded, taken, or re-paid to the ofceived by any officer of his Majesty's customs, for the examin-ficers. ing, viewing, or delivering such indico, with respect to the Pramium or reward allowed by this act, or for the figning any of the certificates, in order to the receiving fuch Præmium or reward, or for paying the same, and any such officer demanding or taking fuch fee or reward, shall, for such offence, forfeit his office, and fuch officer shall also be incapable of ferving his Majesty, his heirs

ers of the customs at Edinburgh, in such manner, as the respective commissioners shall direct, in order to be inspected and

and successors, and shall forfeit the sum of one hundred pounds. XI. And be it further enacted by the authority aforesaid, Certificates That all certificates made, or debentures made out pursuant to not chargeathis ad, shall not be chargeable with any of the stamp duties; duties. any law or statute to the contrary notwithstanding.

XU. And be it further enacted by the authority aforesaid, Exporters to That if any indico, made in the British colonies or plantations repay the in America, shall, after the twenty fifth day of March, which Præmium. shall be in the year of our Lord one thousand seven hundred and forty nine, be exported from Great Britain, that then and in every fuch case the person or persons so exporting the same, shall, before the entry thereof, pay unto the collector of the cultoms at the port where the same thall be experted or to the chief



Anno vicesimo primo Georgii II. C. 30. [1748: 254

> chief officer of the customs there, the full sum of sixpencesor every pound weight, which is allowed as a Pramium by this act on all fuch indico as he intends to export, over and above any duty the same is now by law subject to pay at exportation by any former act.

porting indico without paying the Præmium.

XIII. And be it further enacted by the authority aforesaid, Penalty of ex. That if any person or persons, his or their agent or agents, asfignee or affigns, shall be found fraudulently to export such indico, without paying such Præmium to the collector or chief officer of the customs as aforesaid, such person or persons shall forfeit and lose all such indico, and double the value thereof.

Owner to prove the growth.

XIV. Provided always, That if any doubt or dispute shall arise, whether any of the said indico, or any part thereof so to be exported, is of the growth, product, and manufacture of the British plantations in America, or of foreign growth, product, or manufacture, the Onus probandi shall lie on the owner or claimer thereof, and not on the informer or profecutor; any law, custom, or usage to the contrary notwithstanding.

Penalty of granting falle certificates.

XV. And be it enacted by the authority aforesaid, That if any governor, lieutenant governor, collector, or comptroller of the customs, naval officer, merchant, trader, or factor, or master or commander of any ship or vessel, or any other person or persons, shall during the continuance of this act, falsly make a certificate of the produce and manufacture of any indico, not being the produce and manufacture of the British plantations in America, or shall counterfeit any such certificate as herein before is directed to be made, in order to obtain the Præmium hereby granted for indico made in the British plantations in America, all and every such person and persons shall forfeit the fum of two hundred pounds; and if fuch person or persons so offending, shall be a collector, comptroller, or naval officer, or any other officer of the customs, he shall also forfeit and lose his office, and be incapable of serving his Majesty, his heirs and fucceffors.

to be recovered.

XVI. And be it further enacted by the authority aforesaid, Penalties how That the several penalties and forfeitures by this act inflicted, shall and may be prosecuted, determined, and recovered by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland, or in any of the courts of admiralty in his majesty's plantations in America respectively, wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

the forfeitures.

XVII. And be it further enacted by the authority aforesaid. Application of That all penalties and forfeitures by this act imposed shall, if in Great Britain, be applied, one moiety to the use of his Majesty, his heirs and successors, and the other moiety to such perfon or persons as shall sue for the same; and all such penalties and forfeitures as shall be incurred in his Majesty's plantations in America, shall be applied, one third part thereof to the use of his Majesty, his heirs and successors, one other third part thereof to the use of the governor of the plantation where the forfeiture



### 1748.] Anno vicefimo primo GEORGII II. C. 31.

shall be incurred, and the remaining third part to such person

or persons who shall sue for the same.

XVIII. And be it further enacted by the authority aforesaid, Limitation of That if any action or fuit shall be commenced against any per-actions. fon or persons, for any thing done in pursuance of this act, every fuch action or fuit, if in Great Britain, shall be commenced within fix months next after the fact committed; and if in the British colonies or plantations in America, within eighteen months next after the fact committed, and not afterwards; and the defendant or defendants, in any tuch action or fuit, may plead the general iffue, and give this act and the special matter in evidence at any trial to be had thereupon; and that the fame was done in pursuance and by the authority of this act; and if it shall appear so to have been done, the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited, or discontinue his action, after the defendant or defendants shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs, and have the like remedy for Treble costs. the same, as any defendant or defendants have in other cases by law.

XIX. And be it further enacted by the authority aforesaid, Act to be in That this act, and all the powers and authorities therein con- force for 7 tained, shall continue and be in force for and during the term years. of feven years to commence from the twenty fifth day of March, one thousand seven hundred and forty nine, and from thence to the end of the then next fession of parliament, and no longer.

### CAP. XXXI.

## An act for relief of insolvent debtors. EXP.

WHEREAS many persons by losses and other misfortunes, are rendered incapable of paying their whole debts; and though they are willing to make the utmost satisfaction they can, are nevertheless detained in prison by their creditors: and whereas such unhappy debtors have always been deemed the proper objects of publick compassion, and by several acts of parliament have been discharged: for the relief therefore of insolvent prisoners, who shall faithfully discover, upon oath, and deliver up and affign, all their effects and estates whatsoever for the benefit of their creditors; and to prevent, as far as possible, the many frauds and abuses, which in a great measure have obstructed the good ends of such acts, be it enacted, &c.

Sheriff and gaolers to deliver a lift of their prisoners, &c. to the justices, &c. Oath to be entered at the end of every lift. To be kept by the clerk of the peace. Sheriffs and gaolers to let up three or more lifts at the entrance into the prisons. Persons inserted in the lists, and prisoners, on t Jan. 1747. shall be discharged. They are to deliver in a schedule of their estates, &c. and make oath. Schedule to remain with the clerk of the peace, who is to affign the effects to the affignees, to be divided among the creditors. Assignees of copyhold estates to agree with the lord of the manor. On such agreement, lord to grant to the affignees the copyhold. Not to affect any estate in expectancy. Rent due from a prisoner, the



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goods to be transferred to the landlord. This act not to extend to mortgages, nor to prevent any statute-staple, &c. Power of leasing lands, &c. claimed by any prisoner, vested in the assignees. Justices who grant warrants for bringing prisoners to the quarter-sessions, shall give notice to be served on the creditors. Prisoners to give like notice to the creditors, and publick notice in the London Gazette 30 days before the feffions. The prisoner's oath not being disproved, &c. the justices are to discharge him. Court, if required by the creditor, to administer an oath to the gaoler. Debtors beyond sea on 1 Jan. 1747. may surrender themfelves, and be intitled to the benefit of this act, but subject to the same re-Arictions, as the other prisoners. 100l. penalty on gaolers not complying with the act, and printer of the London Gazette. Gaolers for wearing themselves, to forfeit 500l. Gaolers inserting wrong names in their lifts; to forfeit 2001. Clerk of the peace, not giving a duplicate to the prisoner of his discharge, to forseit 201. Prisoner forswearing himself, guilty of felony. Prisoner discharged for debts before 1 Jan. 1747. shall not be imprisoned for the same again. Discharge of prisoners not to acquit any other. Judgements to stand good against his lands, &c. Persons difcharged may plead generally in discharge of their persons from execution. Bankrupts not obtaining a certificate, &c. not benefited hereby, Attornies not to be discharged from debts received, and due by them to their clients. Not to extend to Scotland. Gaoler to permit persons to see those whose names are in the lifts, &c. under penalty of 40l. Prisoners not declaring the person at whose suit he is detained, or not coming, to receive no benefit. Gaoler making false entries, forfeits 1000l. Petitioner to leave with the justices a copy of his intended discovery. Justices of York and Lincoln to meet at the common gaols of the counties. Debtors in gaols only for fees, discharged. Not to discharge debtors to the crown, or ow-. ing above 500l. to one person. Creditors to allow not exceeding 3s. 6d. per week for his maintenance. Discharges to be obtained before 25 Dec. 1750, or excluded. Prisoners removed from one prison to another, both gaolers to make affidavit. Prisoners in the Fleet or King's Bench by Habeas Corpus, &c. to have the benefit of this act. Persons seized of an estate tail claiming the benefit of this act, to deliver the same to their creditors. Assignees to apply to two justices to examine persons who shall obtain their discharge, for discovery of estates, &c. Refusing to appear, or to be sworn, justices may commit them. Discoverers of the debtors estates in 12 months after discharge; to have 201. per cent. Discharge obtained fraudulently, void. Creditors may compel debtors who choose to continue in prison, to give an account upon oath of their effects, &c. on 30 days notice in the London Gazette. Such prisoners to be examined as the rest. Assignees impowered to make composition with debtors to the prisoner. Disputes to be settled by arbitrators. Courts at Westminster, on complaint, may remove assignees. On mutual credit, assignees to allow the balance. Prisoners upon processes out of courts of conscience to have the benefit of this act. Quakers affirmation to be taken, &c. Persons who had the benefit of the act of 16 Geo. 2. c. 17. excluded.

## CAP. XXXII.

An all for the relief of the annuitants of the wardens and commonalty of the mystery of Mercers of the city of London.

WHEREAS by indentures of lease and release, bearing date respectively the third and fourth days of October, one thousand six bundred and ninety nine, and inrolled in the high court of Chancery, the wardens and commonalty of the mystery of Mercers of the city of London, for the considerations therein mentioned, did grant and release unto Sir William Hedges, and several other persons therein named as trustees, their heirs and assigns, divers messages or tenements, tosts, gardens, grounds, and hereditaments, of and belong-



## 1748.] Anno vicesimo primo Georgii II. c. 324

ing to the faid wardens and commonalty, fituate and being in the city of London, and in the county of Middleiex, therein more particularly mentioned and described, with their and every of their appurtenances, together with one full moiety of all that great fabrick and place called the Royal Exchange, London, and other tenements and hereditaments in, under, upon, or near unto the same, therein more particularly mentioned and described; and also all that the manor of Mercers, with the rites, members, and appurtenances thereof, lying and being in the county of Londonderry in Ireland, and divers other lands, tenements, and heredituments in Ireland, in the same indentures more particularly mentioned and described, upon trust, in the first place, to satisfy and pay, out of the rents and profits thereof, all such charitable gifts and payments wherewith the Said premisses were charged, mentioned in the schedule to the said indenture of release annexed; and in the next place to pay, free and clear of all taxes and charges, all and every the annui'y or annuities to be granted by the said wardens and commonalty, at the rate of thirty pounds per centum per annum, during the respective lives of the wives of clergymen, or of other persons, that should survive their bushands, to commence from such of the feasts of the annunciation of the blessed Virgin, or Saint Michael the archangel, as should happen within fix months after the death of their respective busbands, and after payment of such annuities, in trust for the said wardens and commonalty, and their successors for ever; and whereas by indentures of lease and release, bearing date respectively the fifteenth and sixteenth days of May, one thousand seven hundred and seventeen, inrolled in the bigh court of Chancery, the same premisses were charged with the payment of such future annuities as should be granted by the said company at the rate of twenty five pounds per centum per annum : and whereas by indenture inrelled in the faid court of Chancery, bearing date the twenty fourth day of May, one thousand seven bundred and twenty three, and made between the faid wardens and commonalty of the one part, and the surviving trustees named in the said indenture of release of the sixteenth day of May, one thousand seven hundred and seventeen, of the other part; it is declared and agreed, That all such annuities to be granted by the said wardens and commonalty, after the twenty fourth day of June then next ensuing. should be only after the rate of twenty pounds per centum, and no more: and whereas by indentures of lease and release, bearing date the first and second days of June, one thousand seven hundred and forty one, Richard Chifwell the elder, Sir Thomas Webster, David Papillon, and Clement Tookie, therein named, being then the only surviving trudees in the faid indentures of lease and release of the fifteenth and fixteenth of May, one thousand jeven hundred and seventeen, did by the direction and appointment of the laid wardens and commonalin, grant and convey the faid feveral trust estates to the use of themseives, and other trustees therein named, their heirs and affigns, upon such trusts, and to and for such intents and purposes, and under and subjest to such proviloes and agreements as are mentioned, expressed, and declared, of and concerning the same premifes, in and by the faid two indentures of release, and the faid in-VOL XIX.



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denture of the twenty fourth day of May, one thousand seven hundred and twenty three, herein before mentioned or recited, fave and except as to future annuities, to be granted by the said wardens and commonalty, which were only to be at the rate of fifteen pounds per centum per annum: and whereas by indenture inrolled in the faid court of Chancery, bearing date the twenty third day of July, one thousand seven hundred and forty two, and made between the faid wardens and commonalty of the one part, and the trustees named and appointed in and by the said indenture of the second of June, one thousand seven hundred and forty one, of the other part; liberty was given to the faid wardens and commonalty for the future, to grant fuch annuities at the rate of twenty pounds per centum per annum: and whereas the present clear income of the said estates does not exceed four thousand one hundred and fifty pounds a year, and the annuities now due and payable by the faid wardens and commonalty to the several and respective annuitants amount unto seven thousand five bundred pounds a year, and upwards; and the arrears of fuch annuities, due and owing to the said annuitants at Michaelmas, one thousand seven bundred and forty seven, amounted to the sum of nine thousand fix hundred twenty eight pounds, two shillings, and fix pence; so that the estates settled for the payment of such annuities are not sufficient for that purpose, and many of the said annuitants now arein a very distressed condition: and whereas several persons have heretofore given or left unto the faid wardens and commonalty several estates and sums of money for certain charitable uses: and whereas the Royal Exchange of the city of London was, by the dreadful fire in the year one thousand six hundred and sixty six, consumed; and the faid wardens and commonalty, together with the city of London, were at a very great expence in rebuilding the same : by which means, and by other publick loffes and misfortunes, the said wardens and commonalty have long laboured under great difficulties, and have taken up and borrowed great sums of money upon bonds, and are otherwise become indebted in a much greater fum than they are able to pay and satisfy: and whereas by an all of this session of parliament, intituled, An act for the further relief of the orphans and other creditors of the city of London, and for other purposes therein mentioned; it is enacted, That the imposition of fix pence per chaldron on every chaldron of coals or culm, and of fix pence per ton on every ton of coals usually fold by the ton, which was by an act of the fifth and fixth years of the reign of the late King William and Queen Mary, intituled, An act for the relief of the orphans, and other creditors of the city of London, granted to the mayer and commonalty, and citizens of the city of London, on all forts of coals or culm, which Bould be imported into the port of the city of London, from and after the twenty ninth day of September, in the year of our Lord one thousand seven hundred, for and during the term of fifty years, Shall be continued and paid for and during the term of thirty five years, from the expiration of the Said term of fifty years, and no longer; and that the monies arising thereby shall be paid into the receipt of the chamber of the city of London, and appropriated to the purposes therein after declared; that is to fay, the yearly fum of three thou-

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fand pounds for and during the said term of thirty five years, shall be paid by the chamberlain of the said city, for the time being, out of the produce of the said imposition, to the wardens and commonalty of the mystery of Mercers of the city of London, by half-yearly payments; that is to say, on the twenty fifth day of March, and the twenty ninth day of September, or within sourceen days after the same shall respectively become due, to be applied by the said company of Mercers towards the payment of annuities, and other debts, in such manner as by an act of parliament is or shall be directed; may it therefore please your most excellent Majesty that it may be enacted, &c.

A general account to be made out of the fums that shall be due to the annuitants on 29 Sept. 1750. to be entered in a book, and figned by the wardens. Clerk to deliver to annuitants requesting it a note of the sum due. The debt deemed to be a principal sum, and to carry 31. per cent. interest. The yearly sum of 3000l. payable by the chamber of London, shall be applied towards payment of the annuities, and the surplus to the interest of the arrears, &c. And afterwards to the other creditors. Annual meeting of the annuitants, shall chuse nine auditors of the accounts. Court of affiltants to examine the accounts, if no auditors are chosen, or refuse to attend. An account or the receipts and application of the monies to be laid before parliament. Money due may be transferred. Alfignment of annuities made fince 29 September, 1745, declared redeemable. Wardens restrained from taking in further subscriptions for annuities. Differences between wardens and annuitants to be determined by the court of exchequer. Wardens, &c. impowered to grant building leases, and to lease their estates in Ireland, and Long Acre in Middlesex. Deeds of annuities not affected by this act. Ameuded 24 Geo. 2. C. 14.

## CAP. XXXIII.

An act to continue and amend several laws for the relief of debtors with respect to the imprisonment of their persons; and to rectify a mistake in an act passed in the last session of parliament for continuing several laws therein mentioned; and to continue two acts, the one passed in the nineteenth year, the other in the twentieth year of his present Majesty's reign, to prevent the spreading of the distemper amongst the borned cattle.

HEREAS the laws herein after-mentioned (which have by experience been found useful and beneficial) are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the second year of 2Geo.2.c 22. the reign of his present Majesty, intituled, An act for the relief for telief of debtors with respect to the imprisonment of their persons; which was to continue in force for the term of five years, and from thence to the end of the then next session of parliament; and &c. was explained and amended by an act made in the third year of the reign of his present Majesty; and which by another act smade in the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty, was a second to the eighth year of the reign of his present Majesty.

[1748.

14 Geo. 2. 34-

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further explained, and amended, and continued, until the twenty fifth day of March, one thousand seven hundred and forty, and from thence to the end of the then next session of parliament; and which by another act made in the fourteenth year of the reign of his present Majesty, with the several clauses and articles therein contained (except the clause in the said last-mentioned act, for setting mutual debts one against the other, which by the said act is made perpetual) was further continued, from the expiration thereof, until the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; and the several articles and clauses therein contained, not hereby altered, except the clause for fetting mutual debts one against the other, which is already made perpetual, shall, together with the alterations and amendments herein after made, be and remain in full force and virtue, until the first day of June, one thousand seven hundred and fifty four, and from thence to the end of the then next leffion of parliament.

Persons claiming benefit of the recited act, to let forth an acreal and personal estate,

II. And for the better preventing persons who take the benefit of the said recited act, made in the second year of his present Majesty's reign, from concealing or fraudulently disposing of their effects, be it enacted by the authority aforesaid, That from count of their and immediately after the expiration of this present session of parliament, every person who shall exhibit a petition in pursuance of the said recited act, shall, in such petition, not only set forth an account of all the real and personal estate, which such person so petitioning was intitled to at the time of his or her petition, but also of all the real and personal estate which he or the was intitled to at the time of his or her first imprisonment, in the action in which such person is charged in execution; and every person so petitioning shall, instead of the oath required by the said recited act, take, and the court shall administer an oath to the effect following, videlice!;

and take the following oath.

> A. B. do swear, in the presence of Almighty God, That the ac-Le count by me delivered into this be ourable court, in my petition to this court, doth contain a true and full account of all the real and per-Sonal estate, debts, credits, and effects what soever, which I or any in trust for me, at the time of my first impr somment in this action, or at any time fince, had or was in any respect intitled to in passession, reversion, or remainder (exc pt the wearing apparel, and b dding for me and my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in value in the whole) and also an account how much of such real and personal estate. debts, credits, cr effects, bath been fince dispose I of, religid, or d'scharge i, and how, to whom, and on what consideration, and for what purpose, and bow much thereof, I or any in trust for me have, or at the time of my faid petition had, or am or was in any respect intilled to in possession, remainder, or reversion; and that I have not, at any time before or fince my imprisonment, directly or indirectly, fld, leaf d, affigned, mortgaged, pawned or otherwise disposed of, or made over in trust for 13/25,



### Anno vicesimo primo Georgii II. c. 33. 1748.]

myself, or otherwise than is mentioned in such account, any part of my lands, estates, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my creditors to whom I am indebted.

III. And whereas an all made in the eighth year of the reign of 8 Geo. 1. C. 18. bis late Majesty, intituled, An act to prevent the clandestine run- continued to ning of goods, and the danger of infection thereby; and to prevent 1 June, 1754, ships breaking their quarentine; and to subject copper ore of the &c. production of the British plantations, to fuch regulations as other enumerated commodities of the like production are subject; which was to be in force for two years, from the twenty fifth day of March, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and by several subsequent acts (except the clause obliging all ships and vessels to perform quarentine) was to have further continuance, to the first day of June, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament: and whereas by an act made in the twentieth year of the reign of his present Majesty, the said 20 Geo. 2. act was intended to be further continued to the first day of June, one thousand seven hundred and fifty four, but by mistake, the year one thousand seven hundred and forty seven was inserted therein, instead of the said year one thousand seven hundred and fifty four; therefore for rectifying the faid mistake, be it further enacted by the authority aforefaid, That the said act shall be, and is hereby further continued, from the expiration thereof, until the first day of June, one thousand seven hundred and fifty four, and from thence to the end of the then next session of parliament.

IV. And whereas an all made in the nineteenth year of the reign 19 Geo. 2. c. 5. of his present Majesty (intituled, An act to enable his Majesty to & 20 Geo. 2. make rules, orders, and regulations more effectually to prevent to 24 Sept. the spreading of the distemper which now rages amongst the 1748. horned cattle in this kingdom) which was to continue and be in force for the space of eight months, and to the end of the then next session of parliament; and by an act made in the twentieth year of the reign of his present Mojesty, was explained, amended, and continued, and to be in force with the said last-mentioned act, for the space of eight months, from the tenth day of January, one thousand seven hundred and forty fix, and from thence to the end of the then next seffion of parliament: and whereas the contagious distemper still continues to rage amongst the oxen, bulls, cows, calves, steers, and beifers, in several parts of this kingdem; be it therefore further enacted by the authority aforesaid, That the said acts of the nineteenth and twentieth years of the reign of his present Majesty, shall be, and the same are hereby further continued, from the expiration thereof, until the twenty fourth day of September, one thousand seven hundred and forty eight, and from thence to the end of the then next fession of parliament.



## CAP. XXXIV.

An act to amend and enforce so much of an act made in the nineteenth year of bis Majesty's reign, as relates to the more effectual disarming the Highlands in Scotland, and restraining the use of the Highland dress, and to masters and teachers of private schools and chaplains; and to explain a clause in another all made in the same year, relating to letters of orders of episcopal ministers in Scotland; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, or practifing in the courts of session and justiciary, to take the oaths; and to repeal some clauses in an all made in the first year of the reign of his late majesty King George the First, whereby certain encouragements are given to landlords and tenants in Scotland, who should continue in their duty and loyalty to bis said late Majesty; and for other purposes, therein mentioned.

19 Geo. 1. C. 39. C. 19.

TATHEREAS by an act made in the nineteenth year of the reign of his present Majesty, intituled, An act for the more See 16 Geo. 2. effectual disarming the highlands in Scotland; and for more effectually securing the peace of the said highlands; and for re-Araining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and government, during the unnatural rebellion; and for indemnifying the judges and other officers of the court of justiciary in Scotland, for not performing the northern circuit in May, one thousand seven hundred and forty six; and for obliging the masters and teachers of private schools in Scotland, and chaplains, tutors, and governors of children or youth, to take the oaths to his Majesty, his heirs or successors, and to register the same; it was amongst other things enacted, That from and after the first day of August, one thousand seven hundred and forty six, it should be lawful for the respective lords lieutenants of the Several Bires of Dunbartain, Sterling, Perth, Kincardin, Aberdeen, Inverness, Nairn, Cromarty, Argyle, Forfar, Bamff, Sutherland, Caithness, Elgin, and Ross; and for such other person or persons as his Majesty, his heirs or successors should by his or their fign manual, from time to time, think fit to authorize and appoint in that behalf, to iffue or cause to be iffued out letters of summons in his Majefty's name, and under his or their respective hands and seals, directed to fuch persons within the Said several shires and bounds, as be or they from time to time shall think fit; thereby commanding and requiring all and every person and persons therein named, or inhabiting within the particular limits therein described, to bring in, and deliver up, at a certain time and place, in such summens to be mentioned, all and fingular his and their arms and warlike weathens, unto fuch lerd lieutenant, or other person or persons so to be authorized or appointed in that



### 1748.] Anno vicesimo primo GEÒRGII II. C. 34.

that behalf as aforesaid, for the use of his Majesty, his heirs or successors, and to be disposed of in such manner, as his Majesty, his heirs or successors should appoint; and that if any person or persons in such Jummons mentioned by name, or inhabiting within the limits therein described, should be convicted in manner therein mentioned, of having or bearing any arms or warlike weapons, after the day prefixed in such summons, every such person or persons should forfeit the sum of fifteen pounds sterling, and should be committed to prison, until payment of the said sum; and if any person or persons convicted as aforesaid, should refuse or neglect to make payment of the aforesaid sum of fifteen pounds sterling, within the space of one calendar month from the date of such conviction, then any one or more of his Majesty's justices of the peace, or the judge ordinary of the place, where such offender or offenders was or were imprisoned (in case he or they shall judge such offender or offenders fit to serve bis Majesty as a soldier or soldiers) were thereby respectively authorized and required to cause bim or them to be delivered over to such officer or officers, as is therein mentioned, to serve as soldiers in any of his Majesty's forces in America: and that after reading the articles of war against mutiny and defertion, and making such entry and certificate thereof as is thereby directed, every person so delivered over should be deemed a listed soldier to all intents and purposes, and should be subject to the discipline of war, and in case of desertion, should be punished as a deferter; and that in case such offender or offenders should not be judged fit to serve his Majesty as aforesaid, then he or they should be imprisoned for the space of six calendar months, and also until he or they should give sufficient security for his or their good behaviour for the Space of two years from the giving thereof: in which said in part recited all is contained a proviso, That no peers of this realm, nor their sons, nor any members of parliament, nor any person or persons, who, by virtue of an act of parliament made in the first year of the reign of his late majesty King George the First, therein recited or referred 1 Geo. 1. C. 54. to, were allowed to have or carry arms, notwithstanding the prohibition in the faid act contained, of having, wearing, or bearing arms, should be liable to be summoned to deliver up their arms or warlike weapons; and that neither the said recited act of the nineteenth of his present Majesty, nor the said att of the first year of his said late Majesty therein referred to, should be construed to extend to exclude or hinder any person, whom his Majesty, his heirs or successors, by licence under his or their sign manual, should permit to have or wear arms, or who should be licensed to wear arms by any writing or writings under the hand and seal, or hands and seals of any person or persons authorized by his Majesty, is heirs or successors, to give such licence, for keeping, bearing, or wearing fuch arms and warlike weapons, as in such licence or licences should for that purpose be particularly specified: and it was therely further enactel, That from and after the first day of August, one thousand seven hundred and forty Jeven, no man or boy wi'hin that part of Great Britain called Scotland, other than such as should be employed as efficers and soldiers in bis Majefly's forces, should, on any pretince what soever, wear or put on the clothes commonly called highland ...! es; that is to fay, the plaid,

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philibeg,

Anno vicefimo primo GEORGII II. c. 34. 1748. 264

philibeg, or little kilt, trowfe, shoulder belts, or any part what soever of what peculiarly belongs to the highland garb; and that no Tartan or parti-coloured plaid or stuff should be used for great coats, or for upper coats, under the penalties therein mentioned: and it was thereby further enacted, That from and after the first day of November, one thousand seven hundred and forty six, no person should exercise the employment, function, or fervice of a chaplain in any family in that part of Great Britain called Scotland, or of a governor, tutor, or teacher of any child, children, or youth residing in Scotland, or in parts beyond the feas, without first qualifying himself by taking the oaths thereby directed and appointed, and causing a certificate of his having so done to be entered or registered as is therein directed, under the pains and penalties therein mentioned: and that it should not be lawful for any person in Scotland to keep a private school for teaching English, Latin, Greek, or any part of literature, or to officiate as a master or teacher in such school for literature, other than as therein mentioned, until the situation and description of such private school be first entered and registered, with a certificate of his having qualified bimself by taking the oaths appointed by law as therein mentioned; and fuch master or teacher is thereby required, as often as prayers shall be faid in such school, to pray, or cause to be prayed for, in express words, his Majesty, his beirs and successors, by name: and whereas it bath been found by experience, that fo much of the faid att as is herein before recited is not sufficient or effectual to answer the purposes thereby intended, and that it is necessary to enforce the same by some new provisions and regulations; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the fame, That it shall and may be lawful for the respective lieunants appoint- tenants of any of the fifteen shires in the said recited act for that purpose named, and for such other person or persons as in pursuance of the same act hath or have been authorized by his Majesty, or shall hereafter be authorized by his Majesty, his heirs or successors, to issue out letters of summons for the delivering of arms and warlike weapons as is therein mentioned, to nominate and appoint by writing under their respective hands persons to re- and seals, such person or persons as they respectively shall think ceive the same. fit, to receive the arms or warlike weapons so to be delivered up in obedience to any such summons from any person or perfons so delivering up the same at the days and places to be for that purpose mentioned in any such summons, and the person or persons so nominated or appointed to receive any such arms or warlike weapons, shall transmit, or cause the same to be transmitted to such place or places as such lieutenant or other person authorized as aforesaid thall direct and appoint; and all and every person and persons, obliged by the said recited act to Penalty of not deliver up his, her, or their arms or warlike weapons, shall indelivering up cur the like penalties and forfeitures, and be subject to the fame punishments respectively, for having or bearing arms or warlike weapons after the day prefixed in any fuch furmons, iffued in

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The lieuteed to iffue fummons for the delivering up of arms, &c.

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#### Anno vicesimo primo Georgii II. C. 34. 1748.]

pursuance of the said recited act, and this present act, as he, she, or they are by the faid recited act made subject or liable to for having or bearing arms or warlike weapons, contrary to the true

intent and meaning of the faid recited act.

II. And it is hereby further enacted by the authority afore- Part of the resaid, That so much of the said recited act, whereby it is enact- cited act related, That no peers of this realm, nor their fons, nor any mem- ing to the not bers of parliament, nor any person or persons, who by the said peers, &c. to act of the first year of his late Majesty were allowed to have or deliver up carry arms, should by virtue of the said recited act be liable to their arms, rebe summoned to deliver up their arms or warlike weapons, be, pealed.

and the same is hereby repealed.

III. And be it further enacted, That the prohibition con- The prohibitained in the said act of the first year of his said late Majesty's tion in Geo. r. and reign, or in the said act of the nineteenth year of his present 19 Geo. 2. Majesty's reign, or in this act, of having, keeping, bearing, or &c. of having wearing any arms or warlike weapons, and the pains and penal- arms, not to ties aforesaid, shall not extend, or be construed to extend to any extend to perofficers, or their affistants, employed in the execution of justice, as berein denor to prohibit or hinder any person, who is qualified to vote at scribed. elections of parliament men, to serve for any of the abovenamed counties; nor any heretor or life-renter, possessed of an Number of estate of four hundred, and less than one thousand pounds, Scots arms limited. valued rent, to have in his custody, to be used by himsels, fa- Amended by mily, or servants, in the manner allowed by the laws now in 26 Geo. 2. force, any number of arms, not exceeding three firelocks, three c. 29. pair of pistols, and three swords or cutlasses; nor to prohibit or hinder any heretor or life-renter, possessed of an estate of one thousand or more, and less than three thousand pounds, Scots valued rent, to have in his custody, to be used by himself, family, or servants, in the manner allowed by the laws now in force, any number of arms, not exceeding feven firelocks, feven pair of pistols, and seven swords or cutlasses; nor to prohibit or hinder any heretor or life-renter, possessed of an estate of three thousand or more, and less than six thousand pounds, Scots valued rent, to have in his custody, to be used by himself, family, or fervants, in the manner allowed by the laws now in force, any number of arms, not exceeding twelve firelocks, twelve pair of pistols, and twelve swords, or cutlasses; nor to prohibit or hinder any heretor or life-renter, possessed of an estate of six thousand or more, and less than nine thousand pounds, Scots valued rent, to have in his custody, to be used by himself, family, or servants, in the manner allowed by the laws now in force, oany number of arms, not exceeding twenty firelocks, twenty pair of pistols, and twenty swords or cutlasses; nor to prohibit or hinder any heretor or life-renter, possessed of an estate of nine thousand pounds, Scots valued rent, or more, to have in his custody, to be used by himself, family, or servants, in the manner allowed by the laws now in force, any number of arms, not exceeding thirty firelocks, thirty pair of pistols. and thirty swords or cutlasses; nor to prohibit or hinder the magistrates

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Anno vicesimo primo GEORGII II. C. 34. 1748. magistrates of any burgh royal, to have in their custody a sufficient number of arms for keeping guard within their borough, eccording to the directions of their respective magistrates; nor to prohibit or hinder any person, who shall be licensed to keep, bear, or wear arms, pursuant to the directions of the said recited act, from keeping, bearing, or wearing fuch and so many arms or warlike weapons, as in such licence or licences shall be for that purpose particularly specified; nor to prohibit or hinder the officers of the army, having his Majesty's commissions, and the foldiers under their command, to keep, use, or bear arms as formerly; nor the lieutenants of counties, or their deputies, or the fensible men under their command, to keep and receive arms out of his Majesty's magazines, and to use the same during the time that their militia or fensible men shall be called

IV. Provided nevertheless, That the several persons beforementioned, to whom a limited number of arms is hereby allowed, shall be obliged, upon summons, according to the said recited act of the nineteenth year of his present Majesty, to deliter up in the manner directed by this and the said act, all such arms as they shall have in their custody or use, over and above

the number fo limited.

V. Provided also, That the arms in burghs royal be kept in the magazines, under the care of the magastrates, and not lest in private houses, unless by special order or warrant in writing from the magistrates; and that the whole number of arms so kept in any royal burgh, shall not exceed the number of two hundred stand of arms; and that the said lieutenants of counties, their deputies, militia, and fensible men under their command, do return the arms received out of the King's magazines, within twenty days after the expiration of the time for which they shall be called out.

Persons having arms to qualify themselves,

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VI. And be it further enacted, That from and after the twenty ninth day of September, one thousand seven hundred and forty eight, no person whatsoever, by reason of having an income of four hundred pounds, Scots valued rent, or any greater rent, or being qualified to vote at elections of parliament men, or by licence, shall be intitled to keep, bear, or wear any arms, by himself, family, or servants, unless he shall first have qualified himself. by taking and subscribing the oaths of allegiance and abjuration, and subscribing the affurance appointed by law to be taken, by persons in offices of publick trust in Scotland, either in the court of festion, court of justiciary, or in the sheriff or stewart's court of the county, shire, or stewartry, where such person mail refide, or in one of his Majesty's courts at Westminster, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in one of the faid courts in Scotland; and in case any such person as aforesaid shall presume to keep or carry any arms, without having first qualified himfelf as aforefaid, every such person shall forfeit the said arms to his Majesty, his heirs and successors, and also one hundred pounds

and register the same.

Penalty.



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pounds sterling, to be recovered in any of the said courts in Scotland; one moiety to the use of his Majesty, his heirs and succesfors, and the other moiety to the perion who shall sue for the iame.

VII. And whereas the time for the commencement of such part of the said recited act, as relates to the restraining the use of the high- 20 Geo. 2. land dress, was, by an all made in the twentieth year of his present c. 51. Majesty's reign, enlarged, as to all persons not being landed men, until the first day of August, one thousand seven hundred and forty eight: and whereas the provision made by the said recited att is neceffary to be carried into execution; but it is reasonable to give some further time and opportunity for performing some parts thereof: it is hereby enacted by the authority aforefaid, That the time The time lisgiven and appointed by the faid last-mentioned act for the pur- mited for the poses therein mentioned, shall be, and the same is by this pre- use of the fent act enlarged (as to all those who are not landed men, or the dress enlargfons of landed men) from the first day of August, one thousand ed. feven hundred and forty eight, till the first day of August, one thousand seven hundred and forty nine.

VIII. Provided always, That nothing in this act contained Parts of the shall extend, or be construed to give liberty to any person what-Highland foever to wear or put on those parts of the highland clothes, clothes prohigarb, or habiliments, which are called the plaid, philibeg, or worn after 25 little kilt, or any of them; but that the said recited act shall, as Dec. 2748. to the plaid, philibeg, or little kilt, take place, from and after the twenty fifth day of December, one thousand seven hundred

and forty eight.

IX. And be it further enacted, That from and after the said Persons weartwenty fifth day of December, it shall and may be lawful to and ing the said for any of his Majesty's subjects whatsoever, to take up and ap-clothes to be prehend all and every such person or persons as they shall find apprehended; wearing, contrary to law, the faid highland clothes or garb, or any part thereof, and forthwith to carry such person or persons before any of his Majesty's justices of the peace for the shire or stewartry, or judge ordinary of the place where such person or persons shall be found or apprehended, who are hereby impowered to try and convict every such offender in a summary way.

X. And it is hereby enacted, That instead of the penalties inflicted by the said recited act of the nineteenth of his present Majesty, it shall and may be lawful to and for any such justice, or judge ordinary, to cause such offender, not being a landed man, or the fon of a landed man, lawfully convicted of wearing o putting on the faid highland clothes or garb, or any part thereof, contrary to the said recited or this act, whom he or they shall judge fit to serve his Majesty as a soldier, to be delivered, and to be delias he and they are hereby required and impowered to do, to vered over to any officer belonging to his Majesty's forces to serve therein; for serve as soldiwhich purpose the officer who thail receive such person, shall ers; then cause such or so much of the articles of war made or to be and the artimade, as are or shall be directed to be read to persons inlisted cles of war to as foldiers, to be read to him in the presence of such justice of be read to

the them, &a



#### Anno vicelimo primo GEORGII II. C. 34. [1748.

the peace, or judge ordinary so delivering over such man, who thall cause an entry or memorial thereof to be made, together with the names of the persons so delivered over, with a certificate thereof in writing, under his or their hands, to be delivered to the said officer or officers; and from and after reading such part of the faid articles of war as aforefaid, every person so delivered over to fuch officer or officers to serve as a soldier, shall be deemed a listed soldier to all intents and purposes, and shall be subject to the discipline of war, and in case of desertion shall be punished as a deserter.

The descripmeaning of the recited act.

XI. And for the better afcertaining what shall be deemed extion of a chap- ercifing the employment, function, or service of a chaplain withlain within the in the true intent and meaning of the faid recited act, be it enacted and declared, That from and after the twenty ninth day of September, one thousand seven hundred and forty eight, any person being, or pretending to be in holy orders, of any denomination whatfoever, other than the ministers, elders, or preachers of the established church of Scotland, who shall preach or perform any divine service in any house or family of which he is not the master, in the presence or hearing of any other person or persons, whether such person or persons be of the family or not, shall be deemed to be one who exercises the employment, function, and service of a chaplain within the pro-

vision and true intent and meaning of the same act. XII. And whereas, to evade the execution of the said all, relating

Schoolmafters to take the oaths, &c.

Penalty of not complying ed act.

to persons keeping or being master or teacher in such private schools, divers persons have kept such schools in the names of others, and had or enjoyed the profits thereof to themselves, and have thereby avoided complying with the qualifications required by the said att: for remedy thereof, be it enacted by the authority aforesaid, That from and after the faid twenty ninth day of September, one thousand seven hundred and forty eight, every person who shall keep in his own name, or in the name or names of any other person, any private school for teaching English, Latin, Greek, or any part of literature, or any school for literature, other than as in the faid act is excepted, or who shall have, receive, or be interested. in, the profits, or any share of the profits of such school, shall be obliged to take the oaths appointed by law to be taken by persons in offices of publick trust in Scotland; and to pray, or cause to be prayed for, in express words, his Majesty, his heirs and successors by name, and for all the royal family, as often as there thall be prayers in such school, or before or in he hearing of any of the scholars belonging to such school; and if ny person shall, from and after the said twenty ninth day of Sepwith the recit- tember, keep any such school in his own name, or in the names of any other person or persons, or have, receive, or be interested in, the profits, or any share of the profits of such private school, as shall not have been registered in manner directed by the said act, or without having qualified himself, and caused the certificate thereof to be registered in manner directed by the said act; or in case he shall neglect to pray for his Majesty, his heirs and fucceffors,

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necessors, by name, and all the royal family, or cause them to be prayed for as aforesaid; or in case he shall resort to, or attend divine worship in any episcopal meeting-house not allowed by law; every person so offending, being thereof lawfully convicted before two or more justices of the peace, or before any other judge competent summarily, shall, for the first offence, fuffer imprisonment for the space of six months; and for the second or any subsequent offence, being thereof lawfully convicted before the court of justiciary, or in any of the circuit courts, shall be adjudged to be transported, and shall be accordingly transported to some of his Majesty's plantations in America for life; and in case any person so adjudged to be transported shall return into, or be found in Great Britain, he shall suffer impriionment for life.

XIII. And whereas by a clause in another all made in the nine- 19 Geo. 2. teenth year of his Majesty's reign, intituled, An act more effectu- c. 38. ally to prohibit and prevent pastors or ministers from officiating in episcopal meeting-houses in Scotland, without duly qualifying themselves according to law; and to punish persons for resorting to any meeting-houses where such unqualified pastors or minufters shall officiate; it is enacted, That from and after the first day of September, in the year of our Lord one thousand seven bundred and forty fix, no letters of orders of any pastor or minister of any episcopal meeting or congregation in Scotland, should be deemed suffisient, or be admitted to be registered, but such as had been given by Jome bishop of the church of England, or of Ireland; and in case any letters of orders, other than such as are before described, should be registered, such registration should be deemed null and void to all intents and purposes: and whereas a doubt has been raised upon the said recited clause, whether the same doth extend to any letters of orders which have been registered before the faid first day of September : now, for clearing and taking away any fuch doubt; it is hereby enact- Letters of ored and declared by the authority aforefaid, That no letters of ders not grantorders, not granted by some bishop of the church of England or ed by some of Ireland; shall, from and after the twenty ninth day of Sep-bishop of the tember, one thousand seven hundred and forty eight, be suffici- England or ent, or be taken or adjudged to be sufficient, to qualify any Ireland, insuffuch pastor or minister as above-mentioned, whether the same ficient to quawere registered before or after the said first day of September; and lify. that every fuch registration, either made before or after the said first day of September, shall, from and after the said twenty ninth day of September, be deemed null and void to all intents and purposes. -

And be it further enacted by the authority aforesaid, Persons be-That every person who on the twenty fourth day of June, in longing to the year of our Lord one thousand seven hundred and forty eight, either of the shall be a governor, deputy governor, director, secretary, cashier, lify themtreasurer, accountant or teller of, or use or exercise any such selves. employment in either of the banks in that part of Great Britain called Scotland (that is to fay) The bank called or known by the name of The bank of Scotland, or the bank called or known by

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the name of The royal bank, shall, within the space of three months after the faid twenty fourth day of June, take and fubscribe the oaths of allegiance and abjuration, and subscribe the alturance appointed by law to be taken and subscribed by perfons in offices of publick trust in Scotland, either in the court of festion, court of justiciary, or in the sheriff or stewart's court of the county, thire, or stewartry where such person shall refide, or in one of his Majesty's courts at Westminster: and every person who, after the said twenty fourth day of Fune, shall be elected or appointed to be, or accept or take upon him the comployment of a governor, deputy governor, director, secretary, cashier, treasurer, accountant, or teller of either of the faid banks shall, within three months after he shall accept or take upon him such employment, take and subscribe the said oaths, and subscribe the said assurance, either in the said court of session, court of justiciary, or in the sheriff's or stewart's court of the county, shire, or stewartry where such person shall reside, or in one of his Majesty's courts at Westminster; the taking and Qualifications subscribing of which said oaths and assurance by all such persons to be entered. respectively, shall be entered on a roll or in a book for that purpole, and be kept amongst the records of the said several courts.

Penaky on fuch perions not qualify-·ung.

XV. And be it further enacted by the authority aforefaid, That every fuch person who shall refuse or neglect to take and subscribe the said oaths, or to subscribe the said assurance, in -forme of the said courts within the respective times aforesaid, Thall be ip/o facto adjudged and deemed incapable and disabled in law to enjoy, use, or exercise such employment of a governor, deputy governor, director, secretary, cashier, treasurer, accountant, or teller: and if any fuch person so refusing or neglesting to take and subscribe the said oaths, or subscribe the said affurance as aforesaid, shall, after such refusal or neglect, exercife-such employment, every such person shall be liable to incur the same forfeitures, penalties, and disabilities, as persons execotting offices of publick trust in Scotland, who have neglected within the time required by law to take and subscribe the said oaths, or subscribe the said assurance, may by the laws now in Force be liable to and incur.

Recital of a clause in 20 to agents and folicitors.

- XVI. And whereas by one other all of the twentieth year of his present Majesty's reign, it is enacted, That from and after the twen-Geo. 2. c. 43. ty ninth day of September, one thousand seven hundred and forty 1. 44. relating seven, it shall not be lawful for any person what soever in Scotland to all as a writer, agent, or solicitor, or to manage, agent, or solicit any cause or business in the court of Session, court of justiciary (whether at Edinburgh or in the circuit courts) or in the court of oychecuer, until fuch person shall have first taken and subscribed the oaths in the court of session or justiciary, or in one of the sheriff's or slewart's courts appointed by law to be taken by persons in offices civil or military in Scotland, and caused a certificate of his having so done to be entered or registered in a book to be kept for that purpose in the respective courts where any fuch person shall so officiate; and whereas a doubt bath been entertained, whether the persons acting as extractors in and



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about the court of Session, as clerks to any of the lords of Session, or in any advocate, as clerks or first servants to the principal and under clerks of festion, or as keepers of the registers of bonds, or other regifters, as collectors or fub collectors of the fees of the lord register and clerks of session, are comprehended within the intent and meaning of the faid att; be it therefore enacted by the authority aforefaid, That no person shall, after the said twenty ninth day of September, in the year one thousand seven hundred and forty Extractors eight, be or act as extractor to the court of session, or as clerk and clerks, to, or keeper of the hand rolls of any of the lords of session or &c. to the justiciary, or as clerk to any advocate, or as clerk or first servant court to quato any of the principal or under clerks of session or justiciary, selves. or as keeper or under keepers of the register of bonds in any of the faid clerks offices, or other offices of registers, or as collectors or sub-collectors of the fees of the lord register, or clerks of the session, unless he first take the oaths, and subscribe the affurance, appointed to be taken and subscribed by persons in offices of publick trust in Scotland, and cause a certificate thereof to be entered and registered in a book to be kept for that pur- Certificates thereof to be pose; and the lords of the session are hereby required to cause registered. fuch book to be kept by one of the principal clerks of the felsion, who is to enter the names of the persons taking the said oaths, and subscribing the said affurance, in such books, upon the faid perfons taking fuch oaths, and subscribing such affurance, before the lords of the fellion, upon certificate from the proper officer of fuch other courts, where the same shall be taken and subscribed respectively; and the lords of the session shall Lists of the cause true and exact lists of the said persons so taking the said persons who oaths, and subscribing the said declaration, to be affixed every to be affixed first and last day of every fession, in the outer and inner house in the outer of the faid court, and to be kept up there constantly, till new lists and inner are fixed up according to this act; and in case any person shall, house of the after the faid twenty ninth day of September, be or act as aforefaid, before he shall have so taken the said oaths, and subscribed the said assurance, he shall be subject to the same disabilities, forfeitures, penalties, and punishments, as if he was writer, agent, or folicitor within the intent of the faid act; and the Orders to be lords of fession are hereby impowered to give such orders, from given by the time to time, to the clerks, macers, or keepers of a minute fion for discobook, or other inferior officers, or members of their court, as vering agents they shall judge necessary, for the more effectually discovering not quality. and purishing such of the said persons, and such writers, agents, ing. or folicitors ho shall not qualify themselves according to this and the and recited act, and to censure and punish such officers of their court, as they shall find guilty of neglecting to give obedience to fuch orders, or wilfully concealing any fuch offenders in not fo qualifying themselves.

XVII. And where is by an act of parliament pulled in the first year of the reign of his late Maich, intituled, An act for encouraging of superiors, vassals, landlords, and tenants in Sectional, who do or shall continue in their duty and lovalty to his maje-My King George; and for discouraging all superiors, vastals,



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landlords, and tenants there, who have been, or shall be guilty of rebellious practices against his said Majesty; and for making void all fraudulent entails, tailzies, and conveyances made there, for barring or excluding the effect of forfeitures that may have. been, or shall be incurred there on any such account; and also for calling any suspected person or persons, whose estates or principal residence are in Scotland, to appear at Edinburgh, or where it shall be judged expedient, to find bail for their good behaviour; and for the better disarming distaffected persons in Scotland; it is, amongst other things, enacted, That all and every tenant and tenants in Scotland, who should continue peaceable, and in dutiful allegiance to his Majesty, his beirs and successors, bruicking and occupying any lands, milns, mines, woods, fishings, or tenements, as tenant or tenants, taxman or taxmen, from and under any person guilty of any of the high treasons in the said at mentioned. should, and they were thereby ordained to bruick and occupy all and every such lands, mines, milns, woods, fishings, and tenements, for the space of two years, or crops, to be accounted from and after the attainder of such person, freely without payment of any rent, duty, or service, for the said two years or crops; and that if any subject of Great Britain, holding lands or tenements of a subject Superior in Scotland, had been, or should be guilty of the high treason or treasons in the said all mentioned, the lands or tenements of every such offender, held of any subject superior in Scotland, should recognosce and return into the hands of the Superior, and the property should be, and was thereby consolidated with the superiority, in the same manmer as if the same lands or tenements had been by the vassal resigned into the bands of his superior, ad perpetuam remanentiam; and in case any tenant or tenants, taxman or taxmen, bruicking and occupying any lands, mines, milns, woods, filbings, or tenements, being guilty of such high treason or treasons as aforesaid, and should be thereof duly convicted and attainted, the title by which all and every such tenant or tenants, taxman or taxmen, did bruick or occupy as aforefaid, should cease and become void, and the lands, mines, milis, woods, fishings, and tenements so bruicked or occupied, together with the single and life-rent escheat of such tenant or tenants, taxman or taxmen, should return to and be enjoyed and possessed by the person or persons from or under whom such title was derived respectively, who should continue peaceable and dutiful to his Majesty, his heirs and successors: and it is by the said last recited att further enacted, That no person or persons who might reap or have any benefit or advantage by the attainder, conviction, or forfeitures of any person or persons by virtue of the same act, should be capable of being a witness or witnesses again & any person or persons, by whose attainder, conviction, or for jeitures, any benefit should or might accrue to such witness or witnesses: and whereas the said att was made on the occasion of the unnatural rebellion which broke out in this kingdom in the year of our Lord one thousand seven bundred and fifteen, but a doubt bath been conceived whether the clauses herein before recited, or some part thereof, do still continue in force, or not; and in case the same should be adjudged so to be, great inconveniencies might infue therefrom for the future; be it therefore enacted by the authority a-

#### Anne vicelimo primo Groketi II. C.34. 1748.]

foresaid, That so much of the said act as is before recited, be, The recited and the same is hereby, from and after the twenty ninth day of clauses re-September, one thousand seven hundred and forty eight, repeal- pealed.

ed, and declared to be no longer in force.

XVIII. Provided always, That nothing in this clause con- The King's tained shall extend, or be construed to extend, to prejudice or right, &co. affect the right, title, or interest of the King's most excellent not affected by majesty, or of any other person or persons, vested or accrued the said clause. by virtue or means of any matter or thing whatfoever, happened or done at any time before the faid twenty ninth day of Sepa tember.

XIX. Provided also, That nothing herein contained shall be Construction construed to extend or enure, to declare or determine the said of the said clauses herein before recited, or any part thereof, to be or con. clauses. tinue in force till the faid twenty ninth day of September; but fuch exposition and construction of the said recited clauses, and ... every part thereof, shall be made, as to any matter or thing happening before the faid twenty ninth day of September, as would and ought to have been made in case this act had never

been passed.

XX. And whereas it is necessary to make some farther provision for the more effectually suppressing the crimes of theft of cattle in the highlands of Scotland, or depredations committed by the unlawful taking or maintaining the possession of cattle by force and violence; be it further enacted by the authority aforesaid, That from and The evidence after the twenty fourth day of June, one thousand seven of the party hundred and forty eight, in all trials or profecutions within that concerned adpart of Great Britain called Scotland, for the crimes of theft of mitted in tricattle, or the masterful taking away or detaining the same, it of cattle. shall not be allowed to be a good objection to any witness produced for proving fuch libel or indictment, that he was himfelf Particeps or Socius Criminis, nor shall the evidence given by such witness be made use of against himself, nor shall he be liable to be profecuted for his accession to the offence which he shall as a witness give evidence, that the same was committed by the prisoner or pannel, in whose trial he shall be so adduced, or that fuch prisoner or pannel was art and part thereof; any law, cufrom, or ulage to the contrary notwithstanding.

XXI. And whereas by another clause of the said at of the nineteenth year of his present Majesty's reign, there are penalties imposed on persons who shall resort to, or frequent any episcopal meeting-house ex congregation in Scotland, not allowed by law, who shall not, within the fact of five days, give information of such illegal meeting 1, june proper magistrate: and whereas a doubt has been raised, whether persons present at such illegal meeting, who did not, within the space of five days, give information thereof as aforesaid, could be compelled to appear and give evidence against the minister, or other per fon off ending against the said act; be it therefore enacted and The evidence declared by the authority aforesaid, That in all prosecutions for of the party offences against the said act, it shall and may be lawful and com- resorting to petent to produce as witnesses, whether against the minister or unlicensed e-Vol. XIX.

hear- ing houses,

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admitted on trials for the faid offence. Anno vicesimo secundo Georgii II. C. 1,-3. [1749.

hearers, other persons present who may also have been guilty of offending against the said act; but the evidence given by such witnesses shall not be made use of, or given in evidence against themselves, upon any prosecution for any penalty inslicted by the said act.

# Anno vicesimo secundo GEORGII II. Regis.

A T the parliament begun and holden at Westminster, the tenth day of November, Anno Dom. 1747, in the twenty first year of the reign of our sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the twenty ninth day of November, being the second session of this present parliament.

### CAP. I.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine. EXP.

### CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and forty nine. Exp. At 45. in the pound.

### CAP. III.

An act declaring the authority of the commissioners appointed by his Majesty under the great seal of Great Britain, for receiving, hearing, and determining appeals in causes of prizes.

WHEREAS his Majesty, in order to bring the many appeals that were or should be depending from sentences in causes of prizes, pronounced in the courts of admiralty in this kingdom, and in any of the courts of admiralty in his Majesty's plantations in America, and also in the courts of admiralty in Ireland, and all other his Majesty's dominions abroad, to a speedy determination, did by his commission under the great seal, bearing date at Westminster the eleventh day of July, in the twenty second year of his reign, where a form commission for receiving, hearing, and determining such as well-ed to all his Majesty's then privy counsellors, and all others his Majesty's privy counsellors then and for the time being, during his pleasure; and did also, by the same commission of the eleventh day of July last, constitute and appoint all his Majesty's privy counsellers then and for the time being, as also Sir Thomas Parker knight, lard chief baron of his Majesty's court of Exchequer; Sir Martin Wright, Sir Thomas Denison, and Sir Michael Foster, knights, justices of his



#### Anno vicesimo secundo Georgii II. C.4,5. 8749-J

Majesty's court of King's bench; Sir Thomas Abney, Sir Thomas Burnett, and Sir Thomas Birch, knights, justices of his Majesty's court of Common Pleas; Charles Clarke, Edward Clive, and Heneage Legge, esquires, barons of his Majesty's court of exchequer; and the chief baron of his Majesty's court of Exchequer, justices of his Majefly's courts of King's bench and Common Pleas, and the barens of his Majesty's court of Exchequer for the time being, to be his Majefly's commissioners for receiving, hearing, and determining such appeals, during his Majesty's pleasure, with such powers and authorities as are therein contained: and whereas some objections have been raised against the last mentioned commission, on account of the lord chief baron of his M jesty's court of Exchequer, the justices of his Majesty's courts of King's bench and Common Pleas, and the barons of his Majesty's court of Exchequer, who were not of his Majesty's most honourable privy council, being joined therein: now, for removing and avoiding the faid objections, and all other objections and doubts whatloever relating to the said commission; be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority The commisof the same, That the said commission, and all the powers, son granted jurisdictions, and authorities therein contained, are and shall be sty his Maje-deemed construed and adjudged to be good and valid in law sty declared deemed, construed, and adjudged to be good and valid in law, valid; to all intents and purposes, according to the true intent and meaning thereof; and that the faid commissioners, as well the and the comfaid lord chief baron, and the faid justices and barons therein missioners, named, and the lord chief baron of the faid court of Exchequer, the privy and the justices of the said courts of King's bench and Common council, im-Pleas, and the barons of the said court of Exchequer for the powered to time being, although they, or any of them, should not be of act. his Majesty's most honourable privy council, as other his Majesty's said commissioners, shall and may, during his Majesty's pleasure, have use, and exercise full power, jurisdiction, and authority to receive, hear, and determine all fuch appeals, and have, use, and exercise all other powers, jurisdictions, and authorities, according to the true intent and meaning of his Majefty's faid commission.

II. Provided always nevertheless, That no judgement or to be valid, unfentence to be given upon the hearing of any fuch appeal, shall of the combe valid, unless the major part of the commissioners, who shall missioners prebe present at such judgement or sentence, shall be of his Maje- sent be of the ity's most honourable privy council.

An act for repairing and widening the road leading from the well at the north-west end of the town or village of Farnborough in the county of Kent, to a place called Riverhill, in the parish of Sevenoaks, in the faid county.

Certain tolls granted for 21 years.

#### CAP. V.

An act for punishing mutiny and defertion; and for the better payment of the army and their quarters. Exp. CAP.

No fentence lets a majority privy council.

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## CAP. VI.

An all for repairing, enlarging, and preserving the barbour of Ellenfoot, in the county of Cumberland.

WHEREAS the barbour of Ellenfoot, in the county of Cumberland, although situated very conveniently for the coal trade carried on in that county, is not, in its present state and condition, capable of receiving and harbouring ships and vessels sufficient for that purpose; but, in case a new pier, and other works, were erected and made in and about the same, it might be made a proper and sufficient harbour for the reception and safeguard of ships and vessels navigating in those seas; which would not only be a means of extending the said coal trade, but would contribute also to the increase of his Majesty's customs, and the improvement of trade and navigation in general: but as a sufficient sum of money cannot be raised to defray the expence of amending and enlarging the said harbour, and rendering the same sit and proper for the purposes aforesaid, without the aid and authority of parliament, may it therefore please your most excellent Majesty that it may be enacted, &c.

From 25 March, 1749, during 21 years, there shall be paid unto the commissioners herein after named, viz. by the coal owner, two pence for every 192 gallons of coals, shipped in the harbour; and by the master of the ship, two pence for every 192 gallons; and after the end of 21 years, one penny. Every master of a ship not loading coals, shall pay upon arrival from any place in Great Britain or Ireland or the isle of Man, six pence per ton. For every ship which shall be driven, or come in for security, sour pence per ton. Trustees to appoint collectors. The money received to be applied towards maintaining the harbour. Collectors to give security. Distress for non-payment of duties. Power to measure ships, to ascertain the tonnage. No ship to be discharged by the officers of the customs till duties paid. Trustees to appoint the place for building the pier, &c. may borrow money. New trustees to be elected. No rubbish, &c. to be thrown into the harbour, on pain of ten shillings.

### CAP. VII.

An act for repairing the road from the West Cowgate near the town of Newcastle upon Tyne, through the west end of Kenton, Pont Eland, Higham Dykes, Newham Edge, Belsay Mill, and South Middleton, to north side of the river Wanspeck, in the county of Northumberland.

Certain tolls granted for 21 years.

### CAP. VIII.

An act to continue two acts of parliament, one of the first, and the other of the ninth year of the reign of his present Majetty, for repairing and enlarging the road leading from the house called The Sign of the Bells in the parith of Saint Margaret in Rochester, to Maidstone, and other roads therein mentioned, in the county of Kent; and for rendering he same more effectual.

The two former acts 1 Geo. 2. c. 12. an. 1 9 Geo. 2. c. 7. continued for 21 years.

## CAP. IX.

An act for repairing the road from North Shields in the county of Northumberland, to the town of Newcastle upon Tyne.

"ertain tolls granted for 21 years.



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### CAP. X.

An act for laying a duty of two pennies Scots, upon every Scots pint of beer and ale, which shall be sold or vended, brewed, brought in, or tapped for sale, within the town of Anstruther Easter, and liberties thereof.

A duty of excise granted to the town for 25 years.

### CAP. XI.

An att for draining and preserving certain sen lands and low grounds in the several parishes of Sutton, Mepall, Witcham, Chatteris, Doddington, and a place called Byal Fen in the isle of Ely, and county of Cambridge; and also in the parishes of Somersham and Pidley with Fenton in the county of Huntingdon.

HEREAS certain fen lands and low grounds (part of the great level of the fens called Bedford Level) lying and being in the several parishes of Sutton, Mepall, Witcham, Chatteris, Doddington, and a place called Byal Fen in the ifte of Ely, and county of Cambridge, and also in the parishes of Somersham and Pidley with Fenton in the county of Huntingdon, containing in the whole, nine thousand acres, or thereabouts, the boundaries whereof are as followeth; that is to fay, beginning at a bank called the Twenty Feet Bank or Black Bank, next adjoining to a house now in possession of Thomas Rogers; and from thence along by the side of the outring ditch, next the lands called North Mead Lands, to a place called the West Water; and from thence along by the said water to a place called Copens Corner; and from thence to Somersham turnpike-bridge, on the east side of land formerly called the Old West Water; and from thence back again by a common called the Miles, along by the east side of a piece of land called the Parsonage Lot, to a gate which leads to a piece of land now in possession of Thomas Want; and from thence along by the bank side of the said land to the end of a ditch, lying between a lot of land now or late in possession of William Thompson esquire, and certain other lots of land, now in possession of John Goodfellow, and William Archdeacon, to a place called Long Drove; and from thence cross the said Drove, at the lot of land in possession of the said William Archdeacon, and along by a ditch leading between two lots of land, now in possession of Isaac Stephens, to certain low lands, now in possession of Isaac Woollaston esquire; and from thence round by the side of certain high ands, now in peffession of the said Isaac Woollaston, to a place called C. Is Drie, at the upper end of a place called Cross Lakes; and froin Thence back again by the faid Cross Drove fide, next the faid Cross Lakes, to a place called Long Drove; and from thence along by the ends of several lots of land, now in p Sission of Jane Leeds widow, William Thomson esquire, and Thomas Want, next the said Long Drove, to a place opposite to the end of a ditch between certain lots of land, lying on the west side of Long Drove, now in possession of James Hubbard and John Leeds, to a place cilled Parkel Lot Side; and from thence to a place called Slyer Ditch, and along by the T 3 Juid



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Said ditch to a place opposite to certain low lands belonging to Isaac Woollaston, before named; and from thence cross a drove called Rumbald's Drove, along by the side of the adjacent high lands, to a place called Somersham Meadow Dike, and along by the fide of the faid meadow to the opposite end of a place called Little Land Flood, belonging to certain closes called College Closes; and from thence along by certain high lands, to a place known by the name of Somersham Low Wood Corner; and from thence along Somersham Low Wood, and a place known by the name of Fernhill Bottom, to a dole next adjoining to a place called Pidley Drove, now or late in possession of Agnes Cope widow, and from thence cross a place called the Drove, and round by the fide of Pidley Meadow, to a dike between a place called Upper Lunch Ground, and certain lands now or late in possession of Agnes Cope widow, along to certain land next adjoining to a place called Fenton Drove, now in possession of William Thompson esquire, before-named; and from thence along lands next adjoining to a drove called Fenton Drove, in possession of the faid William Thompson, and along by the said drove to the further end thereof; and from thence to the fide of the high lands, and round by a farm called Rowey Farm; and from thence to the middle hedge of certain land now in possession of William Pagget esquire, called Paggets Great Ground; and from thence along by Fenton Load to a dike between a farm belonging to Mary Underwood, called Hither High Fen Farm; and a farm belonging to Charles Leeds; and from thence along by the said dike to a drain, called the Twelve Foot Drain; and along by a bank on the west side of the said drain to a place called Hammond's Eau; and from thence along by the north fide of fen ground, belonging to Isaac Woollaston esquire, before named, to Somersham turnpike-bridge; and from thence along the east side of Somersham turnpike road to a place called the Ferry Chelm, atherwise Chatteris Ferry; and from thence along by the outring ditch next adjoining to a common known by the name of Ferry Burrows, to another common called Horseload Fen; and from thence along by the outring ditch, next adjoining to the faid fen, formerly known by the name of Snares Load, to a tunnel lying under and through a bank called Ireton's Way or Bank, and from thence along by the outring ditch, which parts certain grounds called Mepall Severals, from a common called Block Fen, and the outring ditch which parts Chatteris Severals, and the faid Block Fen, to the faid bank called Ireton's Way, otherwise Mepall Bank; and from thence along by the faid way or bank to Chatteris Common, near to a place there called Wenny; and from thence along by the outring ditch. which parts the lands now in possession of Matthew Wyldbere esquir and others, from a place called Chatteris Common, to a tommon fen called Long Wood Fen Common; and from thence along by the outring ditch, which divides certain land, now in possession of John Marriott, from the last-mentioned common, and along the outring ditch of certain land, now in possession of Francis Pemberton clerk, to vertain land called Bishops Land, now in possession of Mark Gretton clerk; and from thence along by the faid ditch, next adjoining to a common called Chatteris Common, to a bank called the Forty Foot Bank,



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and so along by the said bank to u place called Welches Dam; and From thence along by the bank called the Twenty Foot Bank, or Black Bank, to the division dike between the house of Thomas Rogers before-named, and the faid north mead lands; and all that tract of land called Westmoor Beezlings and Restidge, beginning from and at a drain called the Forty Foot Drain; and from thence along by a part of Chatteris Common called Curfe; and from thence abutting upon and against land called Willey; and upon a common called Under Willey, to the end of certain land next adjoining to a place called Hive End Burrows, now in possession of Edward Doyley; and from thence along by the outring ditch of certain other land, now in possession of the said Edward Doyley, Gotobed East, Thomas Smith, John Marriott, and others, to part of a common called Chatteris Mow, otherwise Acre Fen; and from thence along by the outring ditch next the said Mow, otherwise Acre Fen, to a piece of land formerly called the West Water, otherwise Old West Water; and from thence along by the faid land, to certain land new in poffeffrom of Sir Thomas Peyton baronet; and from thence along by the outring ditch between the land of the said Sir Thomas Peyton, and land now or late in possession of Rebecca Clark, Benjamin Skeeles, and the heirs of Robert Skeeles, to a drove called Beezlings Drove; and from thence along by the east side of the said drove, to the afore-Said deain called the Forty Foot Drain; and from thence along by the Said drain, to the aforesaid piece of Chatteris Common called Curfe; and from thence along by the feed common, to a place called Carters Bridge; are (except certain parts and parcels thereof, which are herein after described and excepted) subject to inundations through the defect of their outfals to sea, and are in danger of being rendered useless, to the great damage and impoverishment of the owners and proprietors of such grounds, and to the loss of the publick: and whereas the faid fen lands and low grounds cannot be preserved without the aid of parliament, to enable the owners thereof to drain the same, and to keep the same drained for the future; may it therefore please your most excellent Majesty that it may be enacted, &c.

Commissioners impowered to make works for draining the lands. Justices at the quarter sessions to settle differences. Commissioners to meet twice a year, to make orders for draining the lands, and to appoint officers. Commissioners impowered to raise a tax of 1 s. 6 d. per acre for the first year; and for every year after, 18 per acre. Certain lands exempted from being taxed. Commissioners impowered to borrow money on the yearly rates. at 5 l. per cent. Commissioners impowered to award satisfaction to the proprietors of Westmore Beezlings, and Restidge, for cuts made by them. The tax to be levied by distress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Tunnels to be laid under all the diacs, &c. 1001. Penalty on wilful damaging, &c. the works. For want of diffress the person to be committed. Persons convicted of setting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed 45. No works to be made to hinder the waters drained from certain lands, from isluing to their outfall. The rights of the governor, &c. of Bedford Level, re-

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### CAP. XII.

An act for continuing and making more effectual two acts of parliament, the one passed in the eleventh year of the reign of his late majesty King George the First, and the other in the third year of the reign of his present Majesty, for repairing the road leading from Sherbrooke Hill near Buxton and Chapel in the Frith in the county of Derby, through the town of Stockport in the county of Chester, to Manchester in the county of Lancaster; and for amending other roads adjoining to the road directed to be repaired by the first-mentioned act.

The former all, 11 Geo. 1. c. 13. and 3 Geo. 2. c. 4. Continued for 21 years.

### CAP. XIII.

An act for laying a duty of two pennies Scots, or one fixth part of a penny Sterling, upon every Scots pint of ale and beer, which shall be brewed for sale, brought into, tapped, or sold, within the town of Kinghorn, and liberties thereof.

A duty of excise granted to the town for 31 years, &c.

### CAP. XIV.

An act for continuing and making more effectual two acts of parliament, for repairing the highway between a certain place called Kilburn Bridge in the county of Middlesex, and Sparrows Herne in the county of Hertford.

The former alls 10 Ann. and 8 Geo. 1. c. 9. continued for 21 years ..

### CAP. XV.

An act for enlarging the term and powers granted by an act passed in the second year of the reign of his present Majesty, for repairing the several roads therein mentioned, leading into the town of Leominster in the county of Hereford; and for making the said act more effectual.

The act 2 Geo. 2. c. 13. continued for 21 years

## CAP. XVI.

An act for draining and improving certain fen lands within the manors and parishes of Upwell and Outwell, and the parishes of Denver and Welney, in the isle of Ely, and counties of Cambridge and Norfolk.

THEREAS certain fen lands lying and being in the parish of Denver, the manors and parishes of Upwell and Outwell, and the parish of Welney, within the iste of Ely, county of Cambridge, and county of Norfolk, containing in the whole near eleven thousand acres, and bounded as followeth; that is to say, from the outring ditch of the land of Joseph Gordon gentleman, next to the bank of the land of Edmund Saffery gentleman, and along Well Creek, by North Delph Corner, to Churchfield Bank in Outwell aforesaid; and along Churchfield Bank to a place called Small Load, where it joins a bank called Plowfield Bank; and slong Plov field Bank to a place called Upwell Sluice, standing upon Popham's Eau; and from thence, along by Popham's Eau, to a place called The Sixteen Foot Bank; and from thence, along by the faid bank, to a place called The Old Chair Drain; and from thence to a place called Darcy Load; and from thence along by the fuid load, to Welney Old River; and from thence along by the faid river, to a place called The Twenty Foot Drain, at Welney; and from thence, glong by the faid drain, to the outring ditch of the land of the faid Joseph



# 1749.] Anno vicelimo fecundo Georgii II. c. 17-19.

Joseph Gordon, next to the said Twenty Foot Drain; and along the said outring ditch to Well Creek; have of late years been frequently overflowed, and annoyed with water, by reason of the decay of the outsall which discharges the land waters to the sea, and are thereby greatly diminished in their value, to the great loss of the several owners and proprietors thereof, and of the publick in general: and whereas the said sen lands cannot be drained and preserved, so as to restore them to their real value, without the aid of parliament to enable the said several owners and propietors to undertake the same; may it please your most excellent Majesty, that it may be enacted, &c.

Commissioners impowered to make works for draining the lands. Justices at the quarter fessions to settle differences. Commissioners to meet twice a year, impowered to make orders, and appoint officers. Commissioners impowered to raise a tax of 1 s. 6 d. per acre for the first year; and for every year after, 1 s. per acre. Commissioners impowered to borrow money on the yearly rates; at 5 l. per cent. Commissioners impowered to remove the mills erected for draining the lands; and to erect them where they thall think proper, and to examine the accounts of the monies expended, &c. The commissioners to reimburse the monies expended in banking certain parts of the 20 feet drain. The tax to be levied by diftress and sale. Tenants required to pay the tax, which is to be allowed them by the landlords. Horse-mills may be erected on the arable lands. Tunnels to be laid under all the dikes, &c. Officers impowered to lay them if the owners refuse, &c. 100 l. penalty on wilful damaging, &c. the works. For want of distress, the person to be committed. Persons convicted of fetting fire to any of the works, to be transported as felons. Commissioners to inspect and adjust the accounts yearly. Upon death, &c. of commissioners, others to be chosen in their room. Number not to exceed forty. The rights of the governor, &c. of Bedford Level referved.

### CAP. XVII.

An act for effectually amending and repairing the road leading from Wansford Bridge in the county of Northampton, to the town of Stamford in the county of Lincoln.

Certain tolls granted for 21 years.

## CAP. XVIII.

An act for enlarging the term and powers granted by an act passed in the third year of the reign of his present Majesty, for repairing the several roads leading into the city of Hereford.

The act 3 Geo. 2. c. 18. continued for 21 years.

### CAP. XIX.

An act for the more effectual draining and preserving of several fen lands and field lands, in the bounds and precincts of Whichesey in the isle of Ely, in the county of Cambridge.

WHEREAS there are certain fens and low grounds lying in the township of Whittlesey, within the isle of Ely, and county of Cambridge, containing in the whole about nine thousand seven hundred and sifty acres; and which are divided into sive several districts or tracts, containing the several parcels and quantities of land berein after particularly mentioned and described; that is to say, all those



# Anno vicesimo secundo Georgii II. c. 19. [1749.

those fen lands and low grounds lying in Whittlesey aforesaid, in a place there called King's Delph, containing by estimation three bundred and fifty acres, be the same more or less, and bounded as follows; to wit, From King's Delph Gravel by Canters Doles Dyke, to the droveway dividing Blackbush from King's Delph (excluding the said droveway) from the said droveway by the lands of mistress Frankland, Thomas Randall, William Drake, William Angell, George Mayles, George Randall, and Thomas Randall, to the first cross-drove; along the said first cross drove by the lands of the Jaid Thomas Randall and Thomas Kelfull to Suet-hill Drove; along Suet-hill Drove fouth, by the lands of John Loomes senior, to the second cross-drove; by the said lands of John Loomes and William Searle to the third cross-drove; and along the said third cross-drove by the lands of George Wation to the fourtheress-drove; along the said fourth cross-drove by the lands of William Fletcher, to the drove dividing the Setts and Running Commons; along the Said drove to the west end of the Freeman's Acres; from the west end of the said Freeman's Acres, to the half dole on the east side of the Brigwood; and along the said half dole to Whittlesey Dyke, at Fields-end Bridge; and from the Fields-end Bridge along Whittlefey Dyke to King's Delph Gravel aforesaid; do constitute the first district or division; and all those fen lands and low grounds called Reach, otherwise Blackbush, containing by estimation fourteen hundred acres, be the same more or less, and bounded as follows; to wit, From the town of Whittlesey, to a place called Pond's Bridge, by a drain called The Sixteen Feet Drain; and from thence by the faid drain called Oakley Dike, to the Running Commons in King's Delph at the fouth end thereof; and from thence by a droveway which divides the faid lands called Blackbush, from the faid lands called King's Delph, to the north corner of the said mistress Frankland's lands called Running Common (including the faid droveway) and from thence by the north end of Thomas Moore's lands to Canters Doles Dyke; and from thence by Canters Doles Dyke to Whittlefey Dyke, near King's Delph Gravel, being the west boundary thereof; and from the faid Whittlesey Dyke, near King's Delph Gravel, by the same dyke to a place called the Long Gravel; and from the Long Gravel by a dyke which divides the north end of the land called master Bird's Hundred Acres, from the lands of Rebecca Serjeant, widow, John Hoby, and John Garner, to the faid Sixteen Feet Drain (excluding such last mentioned lands, and the faid master Bird's One Hundred Acres) do constitute and make the second division; and all those fen lands and low grounds called The Setts, Great Oldeameere, and Near Wype, containing by estimal tion one thousand acres, be the same more or less, and bounded as follows; to wit, From Whittlesey Dyke, over against Eastrey Lake, by the half severals and fields belonging to the town of Whittlesey, to a droveway leading from Whittlesey to Eastrey called the Common Half-acre (excluding the faid half severals and fields) and from the Common Half-acre, by a droveway leading to the haif severals called the Fen Lots (excluding the faid half severals called the Fen Lots, and including the whole severals called the Fen Lots) and from



# 1749.] Anno vicesimo secundo Georgii II. c. 19.

the said Fen Lots by Eastrey-field to Coates; and from Coates by Kelfull's lands and the faid Thomas Moore's thirteen acres at Liprea; and from the said Thomas Moore's lands at Lipnea, by a droveway leading to Beggar's Bridge; and from Beggar's Bridge, by Bevil's River to Whittlesey Dyke, near Angle Bridge; and from Angle Bridge by the said Whittlesey Dyke to Eastrey Lake aforesaid, do constitute the third division; and all those fen lands and low grounds, called by the names of the Far Doles in Far Wype, Little Oldeameere, The Turves, and Eastrey Fen, containing by estimation two thousand acres, be the same more or less, and bounded as follows; to wit, by Bevill's River from Angle Corner (excluding the river bank from Angle Corner to Angle Bridge) to Shaw's Dyke, and by Shaw's Dyke to Whittlesey Dyke, and by Whittlefey Dyke to Angle Bridge (excluding the faid bridge) do constitute the fourth division; and all those fen lands and low grounds called Glassmoore, containing by estimation five thousand acres, be the same more or less, and bounded as follows; to wit, From Angle Bridge by Whittlesey Dyke to a dyke dividing the lands in the occupation of Peter Huffield and lands of George Watson from the lands of John Stona the elder; from the lands of the said John Stona the elder along the said lands by the said dyke to the south side of a droveway called Forth Drove, and along the faid drove west, to the west side of a dyke dividing the land: of Henry Coventry equire, and David Searle (and excluding the faid Henry Coventry's lands) and along the said lands of the said David Searle by the faid dyke to the fouth end of a drove called Roger's Drove; and along the faid drove west to the west side of a dyke dividing other lands of the said Henry Coventry from lands belonging to the faid town of Whittlesey (but excluding the faid Henry Coventry's lands) and along the faid lands belonging to the faid town of Whittlesey by the faid dyke to lands of Thomas Ground; and along the faid lands by the faid dyke to the fouth fide of Benwick Drove; and along the Said drove west to the east end of fourteen acres of John Dawkings; and from the said fourteen acres to the land of John Laxon esquire, Francis Ibertson, and James Whittome, (including the same lands) to a droveway called Angle Bridge Drove; and along the faid drove a dyke dividing the lands of Samuel Hawkins from Ramsey Lot Drove; along the faid lands of Samuel Hawkins by the same dyke to lands of Richard Speechley; along the said lands by the same dyke to the lands of Thomas Beaver; and along the faid lands of Thomas Beaver by the same dyke to eight acres of the earl Waldegrave; and along the Said eight acres to a dyke dividing the same from the lands of Coulson Followes esquire, (excluding the suid lands of the said Coulson Fellowes) and from the said eight acres by the same dyke to a stow or gap lead of the said earl Waldegrave; and from the said slow or g pstead along other lands of the said earl by the said dyke to the lands of William Plummer; and along the said lands of the said William Plummer by the same dyke to lands of the earl of Lincoln; and by the same dyke to Delph Dyke otherwise Sword Dyke; and by Sword Dyke to Bevill's River at Pond's Bridge, and by Bevill's River to Whittlesey Dyke at Angle Corner; and from Angle Corner by Whittlefey



Anno vicesimo secundo Georgii II. c. 20. [1749.

Whittlesey Dyke to Angle Bridge aforesaid; do constitute the fifth division: and whereas the said sen lands and low grounds do naturally produce great quantities of corn and grain, and also forage for cattle, to the great benefit of the owners thereof, and the advantage of the publish; but by reason of their flat situation, and the defect of their outsails to the sea, the same are liable to be overthrown, and covered with water, and cannot be drained, and kept dry, unless some powers and provisions be made and given for that purpose by authority of parliament: wherefore to the end and intent that the said lands and grounds may be more effectually drained, and preserved for the future, for the benefit of the proprietors thereof, and of the publick; may it please your most excellent Majesty that it may be enacted, &c.

Commissioners for the several divisions impowered to make works for draining the lands. Justices to determine differences. Commissioners to meet twice a year, to make orders for draining the grounds. No new cut to be made in any whole lands for conveying the water from any mill. Commissioners impowered to appoint officers. Commissioners impowered to make a yearly acre-rate, viz. For King's Delph, being the first division, not exceeding 5s. per acre in the first year, and 2s. an acre in any other year; for the other divisions, 2 s. 6 d. an acre in the first year, and 1 s. 6 d. in any other year. On default of payment, the rates to be levied by diftress and sale. Tenants to pay the rates, and deduct the same out of the rents. Power of diffraining on lands unoccupied. Upon death, &c. of commiffioners, others to be chosen. 100 l. penalty on wilful damaging, &c. the works. To be levied by diffress and sale. For want of diffress, the perfon to be committed. Persons convicted of setting fire to, or destroying any of the works, to be transported as felons. Commissioners and land owners to adjust the accounts yearly. In case of disagreement two justices to determine the difference. 10s. penalty on making watering places for cattle in the mill drains. The droveway and outring dykes to be kept of a futficient depth, and 9 feet broad, and well roaded, &c. The homage jury to be committioners for draining the common field lands; and for making an annual rate, and appointing officers. The rights of the governor, &c. of Bedford Level, referred. Powers of the commissioners not to extend to certain lands. Five commissioners to determine disputes about what lands are liable to be charged.

## CAP. XX.

An act for making more effectual an act passed in the eleventh and twelfth years of the reign of King William the Third, for the better preserving the navigation of the rivers Avon and Froome; and for cleansing, paving, and enlightening the streets of the city of Bristol, so far as the same act relates to the paving and enlightening the said-streets; and for the regulating backney coachmen, balliers, draymen, and carters, and the markets and sellers of bay and straw, within the said city and liberties thereof.

of the reign of his late majesty King William the Third (intituled, An act for the better preserving the navigation of the rivers Avon and Frome; and for cleansing, paving, and enlightening the streets of the city of Bristol) provision was made for the enlightening



## 1749.] Anno vicesimo secundo Georgii II. c. 21.

lightening the streets of the city of Bristol in manner therein mentioned; but which bath, in many instances, been found insufficient to answer the good purposes intended by the said act; and more particularly for want of a sufficient power being vested in the justices of the peace in their general quarter sessions to order and oblige the inhabitants of the several parishes and precinets within the said city, to make use of publick lamps within their respective parishes and precincts, and to order the number of fuch lamps; and also for want of ascertaining a due length of time, during which fuch lamps shall be kept burning : and for want of erecting and maintaining a competent number of such publick lamps, the citizens and inhabitants of the said city are exposed to the danger of fires, murders, burglaries, robberies, and many other outrages and inconveniencies; and the enlightening of the said streets is greatly hindered and obstructed by signs, which are hung out before the houses of several persons, and which obscure the same: for remedy whereof, may it please your Majesty that it may be enacted, &c.

The mayor and justices to order the number and fashion of the lamps. Power given for contracting for the erecting of the lamps; and for lighting and trimming them, Contract to be made but for 1 year, and not to exceed the sum rated. Parish officers excluded from being interested in any contract. Parish officers to meet yearly. Rates to be made, and collectors to be appointed. Justices to confirm the rates. Collectors to make payment to the surveyors. Persons aggrieved may appeal. Collectors becoming insolvent, the rates to be re-assessed. Collectors and surveyors to account yearly, &c. on pain of commitment. Alderman of the cattle precincts to give notice to the guardians, &c. of the poor, to meet in February yearly. 40s. penalty on persons breaking or extinguishing the lamps. Mayor and justices to hear offences. For want of distress, the party to be committed. Persons aggrieved may appeal to the quarter sessions. Clauses in 11 & 12 W. 3. relating to the enlightening the streets repealed. The Mayor and justices to make orders concerning the pavement. Surveyors of the highways to have the charge of paving. Rates to be made for paving. Water falling from the tops of houses to be conveyed by pipes on the fides or fronts. Carriages used within the city to be drawn by 3 horses only; the wheels not to be bound with iron streaks of less breadth than 6 inches. The mayor and aldermen, &c. to make rules for regulating hackney coachmen, &c. The mayor and common council to make orders for regulating the new market. Hay and straw brought for sale into Bristol to be made up into trusses. Trusses of hay to weigh 56 lb. and of straw 7 lb. None to gain a lettlement by paying of these rates.

### CAP. XXI.

An act for explaining and amending an act passed in the seventeenth year of his present Majesty's reign, intituled, An act for raising and establishing a fund for a provision for the widows and children of the ministers of the church of Scotland, and of the heads, principals, and masters of 'ne universities of Saint Andrews, Glasgow, and Edinburgh.

WHEREAS by an act made in the seventeenth year of the 17Geo. 2.C.12 reign of his present Majesty, intituled, An act for raining and establishing a fund for a provision for the widows and children of the ministers of the church of Seveland, and of



Anno vicesimo secundo Georgii II. c.21. [1749.

the heads, principals, and masters of the universities of Saint Andrews, Glasgow, and Edinburgh; it was, among other things; enacted, That every minister who shall be ordained and admitted to a benefice in the church of Scotland, and every person who should be admitted as head, principal, or master, in any of the three universities of Saint Andrews, Glasgow, and Edinburgh, after the twenty fifth day of March, one thousand seven hundred and forty four, should be subject to the annual rate of two pounds twelve shillings and fix pence, or of three pounds eighteen shillings and nine pence, or of five pounds five shillings, or of fix pounds eleven shillings and three pence, of lawful money of Great Britain, at his option; and should, at the term of Candlemas next after admission to, or enjoyment of his benefice or Jalary for one whole year, make payment of one year's rate; and in case he, at such terr of Candlemas, had been admitted to, or enjoyed his said benefice or salary only for one half year, he should only be liable to the payment of balf of the said yearly rate, and to the full year's rate at each term of Candlemas next thereafter, during his life; and every minister, head, principal, or master as aforesaid, was required to make his election of one of the faid four yearly rates, on or before the first term of Candlemas after he should have right to one half year's benefice or falary, or before the term of Candlemas next after having had right for one year and half to any benefice situate in the western or northern isles of Scotland; and in be was to be subject to the annual rate of three pounds eighteen sbillings and nine pence, during life; and every minister, head, principal, or master intitled to a benefice or office as aforesaid, and every minister in the western and northern isles of Scotland, before the twenty fifth of March, one thousand seven bundred and forty four, was to give notice within fix wonths, or eighteen months respectively, that he would not be subject to any of the yearly rates before mentioned, or would subjest himself to one or other of them, declaring which of them he chose to be subject to; and in default of giving such notice respectively, was to be liable to the annual rate of three pounds eighteen shillings and nine pence: and the said act likewise ascertained what proportion of the faid rates should be paid respectively by ministers, heads, principals, or masters, who at their deaths, had only right to one half of the benefice or Salary of that year, and by their heirs and executors, and by those who had right to the ann; and what other rates and sums should be paid by every minister, head, principal or master, for the first year, and upon the marriage of ministers, heads, principals, and masters, ordained or admitted assistants and successors to those having right to a benefice or salary; and upon the first and every fucceeding marriage of every minister, head, principal, or master, admitted as well after as before the said twenty fifth day of March, one thousand Seven hundred and forty four, to his benefice or office : and every \vinifler, head, principal, or master aforesaid, neglecting to pay the 'nmual or other rates due at the times appointed, was to be subject . lawful interest from the respective times of payment: and every bene fice and every office as aforefaid, vacant before the twenty fifth day of March, one thousand seven hundred and forty four, was to be subjest to the sum of five pounds; and vacant on or after the said twenty fyth



# 1749.] Anno vicesimo secundo Georgii II. c. 21.

fifth day of March, to two pounds ten shillings, for every half year the vacancy should continue: and it was further enacted, That out of the aforesaid annual rates and other sums, there should be paid, by order and direction of trustees therein after named, a sum not exceeding two bundred and ten pounds, of lawful money of Great Britain, yearby, for the salaries of a general collector or receiver, and a clerk; and that the remainder of the said several sums should be applied to the payment of an annuity of ten pounds, or fifteen pounds, or twenty pounds, or twenty five pounds respectively, to the widow of every minister, head, principal, or master, who hath been subject to the annual rates of two pounds twelve shillings and fix pence, or three pounds eighteen shillings and nine pence, or five pounds five shillings, or fix pounds eleven shillings and three pence respectively, to commence from the first term of Whitsunday or Martinmas, which should be one full half year after the husband's death; and if no widow was left, but one or more children, such child or children was to be intitled to a fum equal to ten years annuity that would have been payable to their father's widow; and if the widow died, or was married before the lapse of ten years after the commercement of her annuity, and whose husband left a child or children, who, at her death or marriage, should be under the age of sixteen years, such chill or children was to be intitled to a fum equal to ten years of the said widow's annuity, dech thereof as had been then received by the widow: and it was further enacted, That the surplus of the annual rates and sums after payment of the annual expence of management, and of the faid annuities and other provisions, should, at the term of Whitfunday yearly, be lent out to ministers, heads, principals, and masters, subjest to annual rates as aforesaid, to the amount of thirty pounds to each (every of whom was thereby obliged to receive the fan ) which was to be repaid with interest, at the time that he ceased to have right to his benefice or office: and it was thereby further enacted, That all future surplusses, over and above the sums so lent as aforesaid, should, from time to time, be lent out at an interest not under four pounds per centum per annum, until a capital was made of thirty five thousand pounds; and the surplus arising above the said capital, was to be divided proportionably amongst the children of ministers, heads, principals, and masters, who, in respect of the death of their father, or the death or marriage of his widow within that year, should be then intitled to receive their provisions: and divers provisions were enacted to prevent any diminution of, or increachment upon, the faid capital: and trustees were nominated for Luying, receiving, and issuing the respective, annual sums payable by virtue of the said act for the purposes therein expressed, and for lending out the surplus in manner therein directed, and for raising the aforesaid capital of thirty five thou and pounds by loans at interest, and for uplifting the said capital in he whole or in part, and re-employing the same; and they were to · neet in the old church ifle at Edinburgh, and were to have four Pated regular meetings yearly; and a general collector or receiver of the aforesaid annual or other rates was to be appointed, who was to buce for power to carry on all fuits and actions for recovery thereof; and the infowered to use all diligence for securing all and every the afore-



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aforesaid sums; the expence whereof was to be recovered out of the respective debtors estates, without any abatement or mitigation; and incidental expences of the said trustees were not to exceed, in any one year, the sum of forty pounds: and whereas inconveniencies and difficulties have arisen in the execution of the said act, by reason that the ministers, heads, principals, and masters, ordained or admitted after the twenty fifth day of March, one thousand seven hundred and forty four, are allowed to withhold their declarations, touching their election of their annual rates, so late in the year as Candlemas; and the collector general cannot effectually levy and bring in the said rates, and other sums, under his management, between the terms appointed for the payment and distribution thereof, by the means of an ordinary action against the deficients; and the expence of such action becomes very heavy upon the deficient minister, head, principal, or master: and whereas the number of benefices and offices in Scotland, subjetted to the said rates, have been found to be considerably less, and the number of widows and children to be provided for considerably greater than was supposed in the computation, upon which the proportion between the annual rates and the annuities and provisions mentioned in the said recited act was fixed; and the annuities and provisions already become payable to the widows and children of ministers, heads, principals, and masters deceased, and those which may become due for several succeeding years, will, in all probability, very much exceed what they were computed at; and the said deceased ministers, heads, principals, and masters, have contributed very little to the fund established by the said act; and there is great reason to apprehend, that the annual surplusses, in the early years of collection of the rates and sums aforesaid, will not raise the intended capital, and that the said fund, if raised, will not be sufficient for answering the design of the said act; by reason whereof, the widows and children of those ministers, heads, principals, and masters, who shall have contributed most to the raising of the said fund, will be deprived of a great part of the annuities and provisions due to them, unless some deduction shall be made from the annuity granted to the widow, or the provision made for the child or children of each minister, head, principal, or master, who shall not have contributed to the fund a sum equal to three years amount of the annuity correspondent to his annual rate, and unless a sum be allowed annually for increasing the capital fund to a greater amount than is allowed by the said recited all: and whereas also it is equitable and just, that the widows, as well as children of contributors to the faid capital fund, should have a share of any benefit which may casually arise from the surplusses thereof, after such capital shall be maile up: therefore, and for removing the doubts and difficulties aforesaid, touching the execution of the said recited act, and for preserving a just and equal proportion, as much as is possible, between the cot tributions made to the faid fund by any minister, head, princip. or master, and the sums to be drawn out of the same by his widow and children, and between the widows and children of fuch contributors; your Majesty's most dutiful and loyal subjects, the trustees named and appointed in and by the said recited act for putting the same in execution, as specially warrant-



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ed and authorized to that effect by the general affembly of the church of Scotland, holden in the month of May last, do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the fitteenth day of May, one thousand seven hundred and forty nine, every mini- Beneficed mister who shall be ordained and admitted to a benefice in the nifters and church of Scotland, and every person who shall be admitted as heads of the head, principal, or master, in any of the universities of Saint universities to Andrews, Glafgow, and Edinburgh, shall make his election to a certain time, which of the four yearly rates mentioned in the said recited act to which of he chooses to be subjected, during his life, in manner therein the yearly directed, within the times respectively after-mentioned; that is be subject. to fay, every minister having a benefice in the western or northern isles of Scotland, on or before the fifteenth day of January, that shall first happen after such minister shall have had right to his benefice for a year and half; and every other minister aforefaid of the church of Scotland, on or before the fifteenth day of January, that shall first happen after such minister shall have had right to his benefice for one half year; and every head, principal, or other master aforesaid, of any of the said three universities, on or before the fifteenth day of January, that shall first happen after he hath held his office for four calendar months; and every respective minister, head, principal, or master, neglecting to notify his election in the form and manner prescribed by the said recited act, within the respective times herein before limited, shall be deemed and held to have made his election of the annual rate of three pounds, eighteen shillings, and nine pence, and shall be liable to the said rate accordingly, during his life.

II. And be it further enacted by the authority aforesaid, That it The lords of shall and may be lawful for the lords of council and session in Scot- session, upon land, or any one of them, to issue letters of horning, at the instance application, to of the general collector or receiver for the time being, of the iffue letters of annual rates or other sums imposed by the said recited act, a-payment of gainst all and every the ministers of the church of Scotland, and the rates. heads, principals, and masters in the universities, subject or liable to the same, for compelling payment of their annual, or other rates or sums, principal or interest, to the payment of which they or any of them are or may be liable by virtue of the Methods of faid recited act; and that the faid letters of horning shall be exe-executing the cuted, and other proceedings shall be had thereon, in the same letters. for a and manner as is now in use, and authorized by law, with respect to hornings at the instance of the ministers of the said church of Scotland, for compelling payment of their stipends: and that no suspension of any charge to be given in virtue of such letters of horning, shall be past without confignation of the ium charged for, as is also in use, and authorized by law in VOL. XIX.

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Anno vicesimo secundo GEORGII II. e. 21. L1749. the aforesaid case; any law or custom to the contrary notwithitanding.

Truffees to stop one half of every annuity where the contributo the fund a fum equal to 3 years amount of fuch annuity, pcc,

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the trustees for the time being, executing the said act, and they are hereby, required to stop and deduct the one half of every annuity which shall betor, &c. shall come payable, for the first time, at the term of IVititunday, one not have paid thousand seven hundred and forty nine, or at any term of Whit-Junday thereafter, to the widow of every minister of the church of Scotland, and of every head, principal, or master, in any of the three universities above mentioned, subject and liable to the annual rates aforesaid, who shall not have paid, during the time of and by his being a contributor to the faid fund, a fum equal to three years amount of the annuity correspondent to his annual rate, and the like at every succeeding term of Whitfunday, during the life of such widow, until either she shall pay into the fund, or until such stoppages and deductions shall amount to as much, as together with the sums paid by her husband (without computing any interest thereon) shall make up or be equal to three years of her annuity; and that it shall and may be lawful for the trustees aforesaid, and they are hereby required to stop and detain out of the sum or provision which shall become payable, at the said term of Whitfunday, one thousand seven hundred and forty nine, or at any term of IV bit funday thereaster, to the child or children of every minister, head, principal, or master, subject and liable to the annual rates aforesaid, who shall not have paid a sum equal to the amount of three years annuity corresponding to his annual rate, so much as, together with the fums paid by him, or that may have been deducted from his widow (without computing interest thereon) shall make up or be equal to three years of the faid corresponding annuity; and the widows or children aforesaid shall only be intitled, in the respective cases and events aforesaid, to the remainder, after the faid respective stoppages or deductions of annuities or sums provided to them severally by the said recited act; any thing therein contained to the contrary notwithstand-

Certain fums to be applied yearly for railing a fund of 301. in the hands of every minister, and the heads of the univertities;

IV. And be it further enacted by the authority aforesaid, That the trustees named in, or appointed by the said recited act, and acting for the time being in the execution thereof, shall order and direct, and take care, that the sums after mentioned shall be applied, from year to year, out of the first and readiest of the whole produce, in virtue of the aforesaid recited act, after defraying the annual expense of management (as fettled and limited by the said recited act, and this present act) for and towards raising and securing a stock or fund to the extent of thirty pounds of lawful money of Great Britain, to and in the hands of each minister in the church of Scotl und, and each head, principal, or master, in the said universities of Saint Andrews, Glasgow, and Edinburt, who shall have become subject to one or other of the annual rates above mentioned; and a further fum



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of fifty thousand pounds like money, of capital, by their lend- and a capital ing, or causing to be lent out of the after mentioned sums an- of 50,000 l. to nually, in the manner prescribed in and by the said act; that is directed by to fay, three thousand pounds shall be so applied at the term of recited act. Whitfunday, in each of the years, from one thousand seven hundred and forty nine, to one thousand seven hundred and fifty two, both inclusive; two thousand pounds at the term of Whitfunday, in each of the years, from one thousand seven hundred and fifty three, to one thousand seven hundred and fifty fix, both inclusive; one thousand pounds at the term of Whitsunday, in each of the years, from one thousand seven hundred and fifty leven, to one thousand seven hundred and fixty three, both ininclusive; four hundred pounds at the term of Whitsunday, in each of the years, from one thousand seven hundred and fixty four, to one thousand seven hundred and seventy, both inclusive; and two hundred pounds at the term of Whitfunday, in the year one thousand seven hundred and seventy one; and at the term of Whit funday in each year thereafter, until each minister, head, principal, or mafter, subject to one or other of the annual rates aforesaid, shall have received thirty pounds in loan; and likewife until the faid further fum or capital of fifty thousand pounds ihali have been made up.

V. And be it further enacted, That if the annual produce Surplus of the aforesaid, in any one year, computed from Martinmas to Mar- annual protinmas, shall exceed the charges of management, and the sums duce how to hereby ordered to be applied for raising the stock, and the applied. hereby ordered to be applied for raising the stock, and the annuities due to the widows, and provisions due to the children, for that year, and the arrears of the annuities and provisions for former years herein after mentioned (if any fuch were) fuch excess or surplus shall be applied to the purpose aforesaid, of raising the capital stock or fund, by lending out the same along with the fums herein before appointed to be lent out for fuch respec-

tive year.

VI. Provided always, and it is enacted by the authority afore-faid, That although the annual surplus aforesaid, for any one the surplus year, computed from Martinmas to Martinmas, after payment of for payment the charges of management, and of the fum hereby appointed to of the anbe applied for raising of the stock or capital fund for that year, nuities how shall not be sufficient to pay the whole annuities to widows, and to be made provisions to children, payable for that year, in virtue of the said recited act, and of this present act, yet no incroachment shall on that account be made upon the capital, so far as then raised; nor shall the farther raising thereof, according to the true intent and meaning of this act, be thereby stopped or retarded, but such deficiency or short-coming shall first affect the childrens provisions proportionably, and then the annuities of all the widows intitled proportionably, without regard to the order of time in which those provisions or annuities become due: and the same shall again be made good to them out of the surplus of the produce, computed as aforefaid, for the succeeding year or years, in this order, viz. after payment of the expence of

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management, and of the sum to be applied for raising the stock as aforesaid, the widows annuities unpaid in the preceding year, shall be paid and made good in the first place; and then the widows annuities of the current year; and after the faid annuities, the childrens provisions of the former year or years, according to the order of time in which they become due to them, as aforesaid; and lastly, the childrens provisions for the current year.

Capital fund not to exceed 50,000l. over and above 30l. to be lent to &c.

Application of the furplus.

VII. Provided also, and it is hereby enacted, That the caspital fund or stock to be settled and secured as aforesaid, shall at no time exceed the foresaid sum of fifty thousand pounds, over and above the sum of thirty pounds lent to each minister, each minister, head, principal, or master as aforesaid; and that after such capital shall be raised, the surplus of the annual income, under the management of the trustees aforesaid, arising in any one year, computed from Martinmas to Martinmas, after payment of all the burdens of that year, including the arrears of former years aforesaid (if any be) shall, at the Whitsunday when such furplus arises, be distributed to, and divided amongst, all the widows then intitled to annuities, and all the children then intitled to receive provisions; so as that each widow, and each child, shall receive a proportionable share of such surplus, correspondent to the extent of the annual rates of their deceased husbands or fathers.

Regulations touching the management

VIII. And be it further enacted by the authority aforefaid, That all and every other regulation, enacted by the faid recited act of the seventeenth year of his Majesty's reign, touching the of the capital, fecuring and management of the capital stock therein mentioned, and for making up any accidental diminution of, or preventing any encroachment upon the same, after it shall be made up, in whole or in part, thall subsist, take place, and be in force, with regard to the capital stock hereby permitted to be raised, when it shall be so raised in whole or in part, in the same manner as if every one of the said regulations had been herein repeated and reenacted.

IX. And whereas the old church ifle of Edinburgh was found to be a place so inconvenient for the meeting of the trustees, appointed to execute the said recited act of parliament, that soon after their entering on the execution thereof, they were obliged to build, and did cause to be built, a house within the city of Edinburgh, containing a hall for their meetings, and offices for their collector and clerk, and a charter room for the preservation of their books and papers, a great part of the expence of which building remains yet unpaid: and whereas doubts have been raised, whether the said trustees can legally hold any of the four quarterly meetings appointed by the said recited act, in the faid hall; and whether the debt incurred by the faid building, and the expence of keeping it in repair, be such necessary incidental expences, as fall within the intendment of one of the clauses herein before recited; be it therefore enacted by the authority aforesaid, That from and after the fifteenth day of May, one thousand seven hundred and forty nine, the trustees named and appointed by the said recited



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recited act of the seventeenth year of his Majesty's reign, and Trustees to their successors, shall hold the four stated regular meetings year- hold their anly, appointed to be held by the faid act, upon the days therein in the house mentioned, in the hall of the house aforesaid, built by the said built by them; trustees within the city of Edinburgh; and that they may and shall do and act at such meetings, in the same manner, as they might and ought to have done in the old church isle of Edinburgh; and that the remaining debt incurred by the faid trustees for and to pay the building the faid house, and the expence in keeping the same in for building, repair, shall be held and deemed to be, and make a part of the necessary incidental expences of the said trustees provided for by the faid recited act, and shall be paid by the general collector or receiver of the annual rates, and other fums raised or to be railed in virtue thereof, and shall be allowed to him out of the annual receipts; provided the same, and all the other incidental Incidental exexpences provided for by the faid act, do not, in any one year, pences not to exceed the fum of forty pounds of lawful money of Great Bri- exceed 401. tain.

X. And whereas the ministers, heads, principals, or masters, who were in the said church, or any of the said universities, at the commencement of the said in part recited act, will purchase the annuities to their widows, and provisions to their children, at less expence than future intrants, having held their benefices and offices for a considerable time, without the burden of the prefent annual rates; be it therefore enacted by the authority aforesaid, That every such minister, and every such head, principal, or master, shall, at the Ministers, &c. term of Candlemas, in each of the years of our Lord one thou- who were in fand seven hundred and fifty, one thousand seven hundred and &c. at the fifty one, one thousand seven hundred and fifty two, one thou- commencefand seven hundred and fifty three, one thousand seven hundred ment of the and fifty four, and one thousand seven hundred and fifty five, act, to pay according to the computation in Scotland, pay to the general colfor 6 years. lector, at his office in Edinburgh, legal interest of the thirty Application of pounds lent, or that shall be lent to him; and the produce aris- the interests. ing from the difference betwixt the legal interest and the four pounds per centum, now payable on account of the loans of thirty pounds lent to the contributors, shall be applied at the fight, and by direction of the trustees for defraying the expence incurred in obtaining this prefent act of parliament, and for paying whatever sums shall, on the fifteenth of May, one thousand feven hundred and forty nine, be resting of the charge incurred, by building the house within the city of Edinburgh, containing a hall for the meetings of the trustees, offices for their collectors and clerks, and a charter room for the preservation of their books and papers; and the furplus thereof shall go towards increasing the said capital; and that the said additional interests shall not be computed as any part of the three years annuity, which every contributor is hereby obliged to make good to the fund, in the manner already directed.

"XI. And whereas by the faid in part recited all of the seventeenth year of his Majesty's reign, it was further enacted, That if the univer fity

nual meetings

per annum.

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versity of Aberdeen, or any of the colleges therein, should apply to the then next general affembly of the church of Scotland, declaring, that they desired to be comprehended in that act, the heads, principals, and masters, in the said university of Aberdeen, or in either of the colleges of the said university, should be comprehended in that act, and should be subject to the annual rates, and other burdens thereby imposed; and they, and their widows and children respectively, should be intitled to the privileges and provisions therein contained, in like manner, in all respects, as with respect to the heads, principals, and masters, in the universities of Saint Andrews, and Glasgow, was therein before enacted: and whereas applications were accordingly made by the King's College of Aberdeen, and by the Mareshall College of Aberdeen, to the general affembly of the church of Scotland, which was held at Edinburgh, in the month of May, in the year of our Lord one thousand seven hundred and forty four, by which the faid colleges respectively declared, that they desired to be comprehended in the said ast; be it therefore further enacted by the authority aforesaid, That the heads, principals, and masters, in the faid university of Aberdeen, or in the King's College and Mareshall College of Aberdeen, shall be comprehended in this present act, and be deemed to have been comprehended in the faid in ed in this and part recited act, and shall be subject to the annual rates and therecited act, other burdens thereby, or by this act imposed; and their widows and children respectively shall be intitled to the privileges and provisions therein contained, subject to the variations by this act provided, in like manner, in all respects, as, with respect to the heads, principals, and masters in the universities of Saint Andrews and Glasgow, was by the said in part recited act, and is herein before enacted.

The heads, &c, of the university of Aberdeen, &cc.

Publick act.

XII. And it is hereby further enacted and declared, That this act shall be deemed and taken to be a publick act; and all judges, justices, and other persons, are to take notice thereof as fuch in all courts and places whatfoever, without specially pleading the lame.

### CAP. XXII.

An act for the better ascertaining, recovering, and collecting, certain duties commonly called petty customs, or wharfage, payable upon the importation and exportation of goods and merchandizes into, or out of, the barbour of the borough and town of Waymouth and Melcombe Regis in the county of Dorset; and also of ballast and harbour-duties payable in respect of ships and vessels coming into, and going out of, the aid harbour, and for the better repairing and keeping in repair the said harbour and the wharfs, and other publick buildings and works within the said borough and town.

THEREAS i'e mayor, aldermen, bailiffs, burgesses, and commonalty of t e borago and town of Waymouth, and Melcombe



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combe Regis in the county of Dorset, have for time out of mind, received and been intitled to receive certain duties called petty customs, or wlarfage, upon the importation and exportation of all goods and merchandizes into and out of the harbour of Waymouth and Melcombe Regis aforesaid, from the owner, importer, or exporter of such goods and merchandizes, and also certain other duties there called harbour-dues and ballast-duty, from the masters or commanders of Ships and vessels: and which said several dues and duties have been constantly under the management of the mayor, aldermen, bailiffs, and capital or principal burgesses, of the said borough and town, as trustees and managers: and have been applied for the repairing the Jaid harbour, quays, and wharfs, and other publick buildings and works within the said borough and town; and whereas, of late years, several persons have refused to pay the said duties, and have been induced thereto by means of the great difficulties in Supporting, by strict legal evidence, prescriptive claims and rights to duties on each particular species of goods, and the exact and precise sums payable for the Same, and although the said mayor, aldermen, bailiffs, burgeffes, and commonalty, in order to support their right to the same, have brought Several actions, and obtained verdicts of damages, by which such their right in general hath been established; yet by means of the expenses in carrying on fuch fuits, and the many continued evafions and refufals of payment, the fund for the repairing the said harbour, quays, and wharfs, and other publick buildings and works, hath been considerably lessened, and the said wharfs, quays, and other buildings and works, are now in a ruinous condition, and will be entirely destroyed, if not timely prevented; for remedy whereof, be it enacted, &c. There shall be paid to the mayor, &c. of Waymouth and Melcombe Regis, for all goods imported and exported, and for all ships coming into the harbour, the duties specified in the schedules annexed. Collector, quaymatter, and treasurer, to be appointed; with falaries not exceeding 25. in the pound of the money received. The accounts to be audited every year. Accounts may be inspected by the inhabitants, and copies taken. Master of ship to deliver to the collector his wharfage bill, on penalty of 51. Quay-master to appoint stations for the ships. Masters of vessels not complying, to forfeit 40s. Damage done by veffels to the bridge, wharfs, or quays, to be ascertained upon oath of persons; on non-payment, the tum to be levied by diffress and sale of the vessel. Persons throwing ballast into the harbour, to be fined for a publick nuisance.

## Petty customs or wharfage-duties.

FOR every ch 1 from of coals, or goods, paying dity by the chaldron. 2d. For every t 1 of tobacco pipe clay, b thel iron and itone, 3d. For eve y ton of f lt, and other goods, paying duty or freight by the ton. 6d. For every la d of nr timber, 3d; load of walnut, mahogany, and plank, 1 . lo det ok, or other t'mber, trenals, hoops, &c. 4d; hunand ter, 4d; hundred of wainscot boards twelve feet in dr of r length, no ne is c tl ck and so in proportion, is; hundred of double red o fir dal, 6d; hindred of p pe staves, 2d; hundeal, 9d; adf i 3 halfjerce; handred of barrel staves, id; bushel dred flon of clover ie d, , halfp my; qu ter of nalt, barley, and outs, id; quarter of wheat, and oth r grains and feeds, ; halfpence; load of flour iod; load or bran, ed. Hogil ead of beer, cyder, and vinegar, 3 halfpence; hogi.. ad or br 1 ,, and other spirituou I quors, 4d; hogshead of wine, oil, or ther liquo s, 3d : hogshead of molaties (containing one hundred gr on ) and of filers earth and wh ting, 6d, hoghead of tobacco, 8d;



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butt of currants, and hogshead of sugar, and other dry goods, is; tierce of sugar, or dry goods, 8d; barrel of pitch or tar, 1d; barrel of groceries or other goods, 2d. For every crate, hamper, and chest of glass, and fine earthen ware, and for every load of coarse earthen ware, 4d. For linnen or woollen, 2d. per hundred weight. For every hundred weight of rice, logwood, allum, shot, cordage, hemp, and flax, 3 farthings. For every hundred weight of raisins, prunes, and figs, 1d. For every hundred of spices, and other goods, paying duty or freight by the hundred, 2d. For every chest of oranges or lemons, 1d; one hundred seet of paving stone, 4d; thousand of tyles, bricks, or clinkers, and firkin staves, 3d, thousand of slatts, 3 halfpence; gross of bottles, 3d. For goods not enumerated, one twelfth of the freight, from London to Weymouth.

### Harbour-dues and ballast-duties.

FOR every British ship, not belonging to inhabitants, which shall load or unload in the harbour, 2s. For every such ship which shall sail into the harbour, and neither load nor unload there, 1s. 6d. For every ship belonging to inhabitants, which shall load or unload, 1s. and so in proportion to parts of ships belonging to inhabitants. For every foreign ship, which shall sail into the harbour, 3s. For every such ship which shall load or unload, 1d. per ton. For every ton of stone taken out of one vessel into another in the harbour, three half-pence. For every ton of ballast taken out of one ship into another in the harbour, 1od. For every ton of ballast put out of any ship on the quay, 4d. For every ton of ballast put out of one ship into another, 2d. For every ton of ballast taken on board any foreign ship, 2s. For every ton of ballast put out of such ship, 8d.

### CAP. XXIII.

An all to charge the sinking fund with the payment of annuities in discharge of navy, vittualling, and transport bills, and ordnance debentures, to the amount therein mentioned. Most gracious Sovereign,

WHEREAS notwithstanding the many and great supplies granted to your Majesty for carrying on the late war, the following debts and deficiencies (amongst others) remain still due and unprovided for (that is to say) To discharge the bills payable in course of the navy and victualling offices, and for transports, which were made out between the first day of January, one thousand seven hundred and forty seven, and the thirty first day of December, one thousand feven hundred and forty eight, the sum of three millions at the least; and to discharge the debentures payable out of the office of ordnance, which were made out on or before the faid thirty first day of December one thousand seven hundred and forty eight, the sum of two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, amounting together in the whole to the fum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny; many of which debts carry an interest after the rate of five pounds per centum per annum : now we, your Majesty's most dutiful and faithful subjects, the commons of Great Britain, in parliament assembled, being desirous to do all that becomes dutiful and faithful subjects to render happy and glorious the reign of the best of sovereigns, and having taken into our ferious confideration the faid debts and deficiencies, and the many ill consequences which may arise to the publick thereby



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thereby (if not timely remedied) and being heartily zealous to preserve the honour of your Majesty and the nation, and to establish publick credit, have resolved (in order to make a provision for the said debts and deficiencies, amounting to the said fum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny) to give and grant unto your Majesty such supply as is hereafter mentioned, for paying an interest or annuity, after the rate of four pounds per centum per annum, for the faid principal sum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, in lieu of all other interest, until the same shall be redeemed and paid off, in manner hereafter mentioned: and that a good, fure, and lasting fund may be settled and established for paying the said interest or annuities, after the faid rate of four pounds per centum per annum, by half-yearly payments, we do give and grant to your Majesty, your heirs and successors, for the purposes aforelaid, so much monies out of the surplusses, excesses, or overplus monies, commonly called The finking fund, as shall be sufficient to satisfy and pay the faid annuities, in manner herein after mentioned; and do most humbly beseech your Majesty to accept thereof; and that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the annuities which by this act shall be granted and made paya- Annuities ble, in respect of the said principal sum of three millions, two the principal hundred thirty thousand three hundred eighty two pounds, five sum of shillings, and one penny, until the redemption thereof by par- 3,230,382 1. liament, in manner hereafter mentioned, thall from and after 55 1d to be the feast of the annunciation of the bleffed virgin Mary, one finking fund. thousand seven hundred and forty nine, be charged and chargeable upon, and payable out of the monies which, from and after the said feast day, shall from time to time arise, and be remaining in the receipt of his Majesty's exchequer, of or for the faid furpluffes, excesses, or overplus monies, commonly called The finking fund (after paying or referving sufficient to pay all fuch fum and fums of money as have been directed by any former act or acts of parliament to be paid out of the fame) and the faid furplusses, excesses, or overplus monies, are hereby appropriated for that purpole accordingly.

II. And whereas it is the true intent and meaning of this act, that all the bills, payable in course out of his Majesty's offices of the navy, or victualling, or for transports, which were dated or made out in those offices on or before the faid thirty first day of December, one thousand seven hundred and forty eight, not exceeding the fail sum of three millions, shall be carried to the tractury of his Maielly's nary, to be marked and certified to the governor and company of the bank of England; and also that all the deventures, payable out of his Maiefty's office of ordnance, which were dated on or before the faid thirty first day of December, one thousand seven hundred and ferty eight,

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not exceeding the faid fum of two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny, shall be carried to the treasurer of his Majesly's office of ordnance, to be certified by him to the faid governor and company of the bank of England; and that the proprietors of such bills and debentures shall, in respect of the principal sums contained in every such bill or debenture, together with the interest thereupon, computed to the twenty fifth day of March, one thousand seven hundred and forty nine, be intitled to an annuity after the rate of four pounds per centum per annum, to commence from the said feast of the annunciation of the blessed Virgin Mary, one thousand seven hundred and forty nine, payable half yearly, and be charged on the said surplusses, excesses, or overplus monies, commonly called The finking fund, and transferrable at the bank of England, until redeemed by parliament; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the treasurer of his Majesty's navy for the time being, to take in and receive from all and every person and persons, natives or toreigners, bodies politick or corporate, who are or shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, all such bills as any such person or persons shall, on or before the twentieth day of April, one thousand seven hundred and forty nine, deliver to such treasurer, who is hereby authorized and required to mark and cancel every fuch bill, and certify the fame to the faid governor and them, and cer- company of the bank of England; and that it shall also be lawful for the treasurer of his Majesty's office of ordnance in like manner to take in all debentures payable out of the faid office of ordnance, which shall, on or before the said twentieth day of April, one thousand seven hundred and forty nine, be delivered to him, who is hereby also authorized and required to cancel the fame, and certify every such debenture to the said governor and company of the bank of England.

III. And it is hereby also enacted by the authority aforelaid, That it shall and may be lawful to and for any person or perions, natives or foreigners, bodies politick or corporate, who shall be possessed of, interested in, or intitled unto any such navy, victualling, or transport bills, payable in course, or any fuch debentures payable out of the faid office of ordnance, which were dated or made out in the faid respective offices, on or before the said thirty first day of December, one thousand seven hundred and forty eight, to deliver fuch bill or bills, debenture or debentures, to the respective treasurers of those offices, to be marked, cancelled, and certified as aforesaid, at any time on or before the said twentieth day of April, one thousand seven hundred and forty nine, at such place or places as have or shall be appointed, and of which publick notice hath or shall be given in the London Gazette, and other publick papers for that purpose.

IV. And be it further enacted by the authority aforesaid, That every person and persons, who shall deliver any such bill or bills, debenture or debentures, to fuch respective treasurers as aforefaid, shall, in respect of the principal sum or sums contained in

Treasurers of the navy and ordnance to take in all navy, victualling, and transport bills, and ordnance debentures, before 20 April, 1749,

and to cancel tify the fame to the bank.

Navy bills, or ordnance debentures, made out betore 31 Dec. 1748, to be delivered to the trealurers within the time.

Person delivering fuch bils, or debentures,

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every such bill or bills, debenture or debentures, together with to be intituled the interest due thereupon to the said twenty fifth day of March, to an annuity one thousand seven hundred and forty nine, be intituled to an of 41. per annuity after the faid rate of four pounds per centum per annum, centum. to commence from the faid feast day of the annunciation of the bleffed Virgin Mary, one thousand seven hundred and forty nine, and to be paid and payable to fuch person or persons, or such as he, she, or they shall nominate his, her, or their executors, administrators, successors, or assigns respectively, until the redemption thereof by parliament, in manner herein after directed in that behalf, which faid annuities shall be paid and payable half yearly, at two of the most usual feasts or days of payment in the year (that is to fay) the feasts of Saint Michael the Archangel, and the annunciation of the bleffed Virgin Mary, the first payment thereof to be due and payable at the feast of Saint Michael the Archangel, which shall be in the year of our Lord one

thousand seven hundred and forty nine.

V. And be it further enacted by the authority aforefaid, Annuities to That all and every person and persons, intitled to any annuity be payable till or annuities as aforesaid, or such as he, she, or they shall appoint redeemed by his, her, or their respective executors, administrators, successors, parliament, or affigns, shall have, receive, and enjoy, such respective annuity or annuities, out of the monies by this act appropriated as aforefaid, until redemption thereof by parliament, according to the proviso herein after contained in that behalf; and that all and every fuch person or persons, their executors, administrators, fuccessors, and assigns respectively, shall have good, sure, abfolute, and indefeazible estates and interests in the said annuities, according to the tenor and true meaning of this act; and and to be a that all fuch effates and interests of and in the faid annuities, and personal eevery of them, shall be, and be adjudged, taken, and accept-state. ed in construction of law, and in all courts of law and equity whatfoever, to be a personal and not a real estate, and shall go to the executors or administrators of the person or persons dying possessed thereof, interested therein, or intitled thereunto, and not to the heirs of such person or persons; any law, custom or usage to the contrary notwithstanding; and that all the said annuities, and every of them, shall be free from all taxes, charges, and impositions whatsoever.

VI. And be it further enacted by the authority aforesaid, Treasurers to That the said respective treasurers shall, and they are hereby au- give certithorized and required, upon any person or persons delivering to cates for the them any fuch bill or bills, debenture or debentures, forthwith principal fums to give a certificate figned by them refpectively, for the principal fuch bills or fums contained in fuch bill or bills, debenture or debentures, to- debentures, gether with the interest thereupon, computed to the said twenty with the infifth day of March one thousand seven hundred and forty nine, as terest due.

aforesaid, to such person or persons, or his or her assigns; and all be assignable, such certificates shall be assignable by endorsements thereupon and not made at any time before the twenty ninth day of Sep ember, one hargeable thousand seven hundred and forty nine, and no longer; and all with amp



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#### Anno vicesimo secundo Georgii II. C. 23. 1749.

fuch certificates and assignments thereupon shall not be chargeable with any stamp duties, any law or statute to the contrary

notwithstanding.

bills, &c. cared to 25 March, 1749, and to be added to the principal.

VII. And be it further enacted by the authority aforesaid, Interest of the That the interest of such of the said bills and debentures, by this rying interest, act intended to be delivered up (as carry interest) shall be comto be comput- puted to the faid twenty fifth day of March, one thousand seven hundred and forty nine, and shall be added to the principal sum contained in every fuch bill or debenture, and so much as such principal and interest computed as aforesaid shall amount unto, shall be the principal sum for which the person or persons delivering the same shall be intitled to an annuity after the said rate of four pounds per centum per annum, until redemption thereof, in manner hereafter mentioned.

Guardians may deliver up fuch bills or debentures as infants shall be intitled to, &cc.

VIII. Provided also, and be it further enacted by the authority aforesaid, That if any infants shall by the gift, devise, or decease of the parent or other relation of such infants, or otherwife become intitled to any of the faid bills or debentures intended to be provided for by this act, in such case the guardian or guardians, trustee or trustees, of such infant or infants, shall or may be, and they are hereby impowered, for the benefit of fuch infant or infants, to deliver up to such respective treasurers, all fuch of the faid bills or debentures, to which fuch infant or infants shall be so intitled, and such infant and infants, guardian or guardians, trustee or trustees, delivering up such bills or debentures, shall be intitled to an annuity or annuities, after the faid rate of four pounds per centum per annum, in respect of the principal sums contained in such bill or bills, debenture or debentures fo to be delivered up, together with the interest thereupon, computed to the faid twenty fifth day of March, one thousand seven hundred and forty nine, to be paid out of the monies by this act appropriated for that purpose; and the said guardian or guardians, trustee or trustees, shall be discharged from the same, any thing herein contained, or any law, usage, or custom, to the contrary in any wife notwithstanding.

Executors and truftees of ideots, &c. fuch bills as they shall be possessed of, &c.

IX. Provided also, and be it further enacted by the authority aforesaid, That any person or persons who as executor to, or administrator, trustee, committee of an ideot, or lunatick, or permay deliver up sons of unsound mind, depositary or mortgagee, shall be or become possessed of, interested in, or intitled unto any of the said bills or debentures intended to be provided for by this act, shall and may deliver up fuch bills or debentures as they shall be so posfessed of, interested in, or intitled unto, to such respective treasurers as aforesaid; and as to executors or administrators, the annuities after the said rate of four pounds per centum per annum, which they shall be intitled to in respect of the principal sums contained in such bills or debentures so by them delivered up, together with the interest thereupon, computed to the said twenty fifth day of March, one thousand seven hundred and forty nine. as aforesaid, shall be the same assets in their hands, as the Said bills or debentures were or would have been, had they not been



#### Anno vicesimo secundo Georgii II. C.23. 1749.

fo delivered up for such annuity as aforesaid; and as to trustees, committees, depositaries and mortgagees, the annuity which they shall be intitled unto, for or in respect of such trust, or mortgaged bills or debentures, which they shall so deliver up to fuch respective treasurers as aforesaid, shall be subject and liable to the same trusts and equity of redemption, as such bills or debentures were or would have been, had they not been so deli-

vered up for fuch annuity as aforefaid.

X. And be it further enacted by the authority aforesaid, The bank to That it shall and may be lawful to and for the said governor receive the and company of the bank of England, and their fuccessors, or certificates, and give crefuch person or persons as they shall appoint for that purpose, dit for the and he and they are hereby respectively authorized and requir- principal ed to take in and receive all and every the certificates, to be fums. made out in lieu of the faid bills and debentures, by the respective treasurers of his Majesty's navy and ordnance as aforesaid, in pursuance of the directions of this act; and upon the receipt of every fuch certificate shall, and they are hereby required forthwith to give credit in a book or books to be prepared for that purpose, for the principal sums contained in every such certificate so brought to them as aforesaid; and the person to whose credit fuch principal sums shall be entered in the said book or books, his, her, or their executors, administrators, or assigns, shall and may have power to assign and transfer the same, or any part, share, or proportion thereof, to any other person or perfons, bodies politick or corporate whatfoever, in other books to be prepared and kept for that purpose; and the principal fums so assigned and transferred, shall carry the said annuity of four pounds per centum per annum, and shall be taken and deemed to be stock transferrable by this act, according to the powers and authorities herein after mentioned, until redemption thereof as aforesaid; and the said governor and company for the Bank to transtime being shall also, on or before the twenty fourth day of June, m.t a cop, to one thousand seven hundred and fifty, transmit an attested du- the exchequer. plicate, fairly written on paper, of the faid book or books, first herein after mentioned, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

XI. And for the more easy and sure payment of the several annuities by this act made payable as aforesaid, amounting in the whole to the sum of three millions, two hundred thirty thoufand three hundred eighty two pounds, five shillings, and one penny; it is hereby further enacted by the authority aforefaid, That the faid governor and company of the bank of Englant, The bank to and their successors, shall from time to time, until the mi. an- molov teanuiti s after the rate of four pounds per centum per unnum, final' be redeemed according to this act, appoint and employ one. more sufficient persons within their office in the city of L to be their chief or first cashier or cashiers, and one other s. cient person within the same office, to be their account ne-al; and that so much of the monies, from time. rifing into the said receipt of the exchequer, of or for time

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ated for the annuities, to be paid by way of impreft.

plusses, excesses, or overplus monies, by this act appropriated for this purpole, as shall be sufficient from time to time, to answer the faid annuities, and other payments directed to be made or difcharged out of the same, shall, by order of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or commissioners of the treasury of his Majesty, his heirs or fuccessors for the time being, without any further or other warrant to be fued for, had, or obtained in that behalf, from time to time, at the respective half yearly seast days, or days of payment, in this act before appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the faid first or chief cashier or cashiers of the said governor and company of the bank of England, and their successors for the time being, by way of imprest, and upon account, for the payment of the faid annuities made payable by this act as aforefaid, at fuch times, and in such manner and form, as are by this act prescribed in that behalf; and that all and every such cashier Cashier to pay or cashiers, to whom the said monies shall, from time to time, the annuities, be issued, shall, from time to time, without delay, apply and pay the fame accordingly, and render his account thereof according to the due course of the exchequer; any thing herein contained to the contrary notwithstanding.

and give an account to the exchequer.

Accomptant general to inipect the receipts and

XII. And it is hereby also enacted, That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the faid cashier or cashiers, and the vouchers relating thereunto, in order to prevent any frauds, negligence, or delay; and that all and every person and persons whatsoever, who shall be intitled to any of the said annuities, after the faid rate of four pounds per centum per annum, and all persons lawfully claiming under them, shall be possessed thereof as of a personal estate, and the same shall not be descendible to the heir, and shall not be liable to any foreign attachment by the custom of London, or otherwise; any law,

XIII. And be it further enacted by the authority aforesaid,

statute, or custom to the contrary notwithstanding.

Annuities to be a joint ftock.

payments.

That all the monies intended to be converted into annuities by virtue of this act, shall be deemed, reputed, and taken to be one capital or joint stock, on which the said annuities, after the faid rate of four pounds per centum per annum, shall be attending; and that all and every person and persons, and corporations whatsoever, in proportion to the money which he, she, or they shall be intitled to as aforefaid, shall have, and be deemed to have a proportional interest and share in the said stock, and in the annuity attending the same, at the rate aforesaid; and that the faid whole capital or joint stock, or any share or interest therein, and the proportional annuity attending the fame, shall be affignable and transferrable as this act directs, and not otherwise; and that there shall constantly be kept, at all seasonable times, in the office of the faid accomptant general for the time being, within the city of Lindon, a book or books, wherein all assignments or transfers of the said whole capital or joint stock

Shares to be transferred.

#### Anno vicesimo secundo GEORGII II. C.23. 1749.

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or any part thereof, and the proportional annuity attending the same, at the rate aforesaid, shall be entered and registered; which Method of entries shall be conceived in proper words for that purpose, and transferring. Ihall be figured by the parties making fuch affiguments or transfers; or if such party be absent, by his, her, or their attorney or attornies thereunto lawfully authorized, by writing under his, her, or their hands and feals, to be attefted by two or more credible witnesses; and that the person or persons to whom such transfer shall be made, do underwrite his, her, or their acceptance thereof; and that no other method of alligning or transferring the faid stock, and the annuities attending the same, or any part thereof, or any interest therein, shall be good and available in law; and that no stamp duties whatsoever shall be charged on the faid transfers, or any of them; any other law or statute to the contrary notwithstanding.

XIV. Provided always, and it is hereby further enacted by The bank to the authority aforesaid, That the said governor and company continue a of the bank of England, and their fuccessors, (notwithstanding corporation till the annuithe redemption of all or any their own funds, in pursuance of ties be rethe acts for establishing the same, or any of them) shall conti-deemed. nue a corporation with all the powers, privileges, and advantages thereunto belonging, for the purposes in this act expressed, till all the annuities to be purchased under this act shall be redeemed by parliament, according to the proviso herein after contained in that behalf; and the faid governor and company, or any members thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this

XV. And it is hereby enacted by the authority aforesaid, No fee fer re-That no fee or gratuity whatfoever shall be demanded or taken ceiving the for receiving or taking in the faid bills or debentures, or any of bills, granting them, or for granting certificates in lieu thereof as aforefaid, or certificates, or for issuing the monies for paying the said appuities or any certificates, or for issuing the monies for paying the said annuities, or any of ter. them; and that no fee or gratuity shall be demanded or taken for any transfer of any sum, great or small, to be made in pursuance of this act, upon pain that any officer or person offending, by taking or demanding any fee or gratuity contrary to this act, shall forfeit the sum of twenty pounds to the party Penalty 201. grieved, to be recovered with full costs of suit, in any of his

Majesty's courts of record at Westminster.

XVI. Provided always, and be it enacted by the authority Treasury to aforesaid, That the commissioners of the treasury, or any three rewardpersons or more of them now being, or the high treasurer, or any employed in three or more of the commissioners of the treasury for the time of this act, being, shall have power, and they are hereby authorized to re- &c. ward all fuch persons as shall be any ways employed in the execution of this act, for their fervice, pains, and labour; and also to defray such incident charges as shall necessarily attend the fame, out of the faid furplusses, excelles, or overplus monies; and also to appoint such allowances (out of the said surplusses, excesses, or overplus monies) for the service, pains, and labour



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of the cashier or cashiers of the said governor and company of the bank of England, for receiving, paying, and accounting for the faid annuities made payable by this act, and also for the fervice, pains, and trouble of the accomptant general of the faid governor and company, for performing the duty and trust incombent on him by this act, as they shall think just and reasonable; all which allowances hereby impowered to be made as aforesaid, in respect to the service, pains, and labour of any officer or officers of the faid governor and company of the bank the disposal of of England, shall be for the use and benefit of the said governor the company, and company, and at their disposal only; any thing herein contained to the contrary notwithstanding.

Allowances made to the officers of the

Clause of redemption.

XVII. Provided also, and it is hereby enacted by the authority aforesaid, That at any time upon one year's notice, to be printed in the London Gazette, and affixed upon the Royal Exchange of London, by authority of parliament, at any of the half yearly feast days for payment of the same annuities; and upon repayment by parliament of the principal fum of three millions, two hundred thirty thousand three hundred eighty two pounds, five shillings, and one penny (by payments not being less than five hundred thousand pounds at a time) for which the faid annuities are payable to fuch respective persons or corporations as shall be intitled to the same annuities; and also upon full payment of all arrearages of the same annuities, then, and not till then, the said respective annuities, or a proportional part thereof, shall cease and determine, and be understood to be redeemed; and from and after such redemption, the monies arifing from the faid furplusses, excesses, and overplus monies, by this act granted as aforesaid, shall not be issued or applied to any use or purpose, but as shall be directed by any future act or acts of parliament; any thing in this or any former act or acts of parliament to the contrary notwithstanding; and that any vote or resolution of the house of commons, signified by the speaker in writing, to be inserted in the London Gazette, and affixed at the Royal Exchange of London as aforesaid, shall be deemed and adjudged to be sufficient notice within the words and meaning of this act.

XVIII. And be it further enacted by the authority aforefaid, That if any person or persons shall at any time or times be sued, molested, or prosecuted for any thing done by virtue or in purfuance of this act, or of any the clauses therein contained, fuch person or persons shall and may plead the general issue, and give this act, and the special matter in evidence for his and their defence; and if afterwards a verdict shall pass for the desendant or defendants, or the plaintiff or plaintiffs shall discontinue his or their action, or be nonfuited, or judgment shall be given a-Treble cofts. gainst him or them upon demurrer, or otherwise, then such defendant or defendants shall have treble costs to him or them a-

warded against such plaintiff or plaintiffs.



# 1749.] Anno vicesimo secundo Georgii II. C. 24, 25.

### CAP. XXIV.

An all for remedying inconveniencies which may happen by proceedings in altions on the statutes of hue and cry.

Cry, more than the value of two hundred pounds, unless the unless at the person or persons so robbed shall, at the strates of Hue and Cry, be it enwhich such action shall be brought, be together in company, be two preand be in number two at the least, to attest the truth of his or sent to attest
their being so robbed; any law, statute, or provision to the the truth
contrary in any wise notwithstanding.

### CAP. XXV.

An act to explain and amend so much of an act made in the ninth year of the reign of Queen Anne, intituled, An act for establishing a general post office for all her Majesty's dominions; and for settling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; as relates to borses or surniture to be let to persons riding post.

THEREAS by an all made in the ninth year of the reign of , Anna, c. 10. ber late majesty Queen Anne, intituled, An act for establishing a general post office for all her Majesty's dominions; and for fettling a weekly sum out of the revenues thereof for the service of the war, and other her Majesty's occasions; it is (amongst other things) enacted, That no person or persons shall presume to keep, provide, and maintain horses or furniture for the horsing of any person or persons riding post (that is to say) riding several stages upon a post road, and changing horses, or shall lett to hire, or furnish any person or persons what soever with horses or furniture for riding post as aforesaid, on any of the roads or stages now or hereaster to be appointed, with or without a guide or born, for bire or reward, or any agreement or promise of reward, whereby he or they may have any profit or advantage, on pain of forfeiting the sum of five pounds for every several offence against the tenor of the said act: and whereas the faid restriction bath been construed to extend to charjes and calastes lett out for hire, and which change horses at certain stages up n the post roads, in like manner as horses lett out by the post office are changed; be it therefore enacted and declared by the King's most excellent majefty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parlia-· VOL. XIX. х ment



### Anno vicelimo secundo GEORGII II. C. 26, 27. 306

The act not furnithing chailes, &c. upon the road.

ment assembled, and by the authority of the same, That noto prohibit the thing in the said act contained doth or shall extend, or be construed to extend, to restrain or prohibit the letting out for hire. chaises, or calashes, with horses to draw the same, or the furnishing horses for drawing chaises or calashes at any stage or stages upon any post road to any person whatsoever; and that it shall and may be lawful for all persons to lett out for hire, as well upon the post roads as elsewhere, chaises duly licensed, with horses to draw the same, and to furnish or exchange horses for drawing any such chaises or calashes; any thing in the said act to the contrary in any wife notwithstanding.

Persons letting chailes may furnish horses for perions attending.

II. Provided also, and be it further enacted by the authority aforesaid, That it shall be lawful for all persons who lett out chaifes or calashes with horses for hire, to lett out horses and furniture for horfing any person or persons accompanying or attending any person or persons who shall travel in chaises or calashes, and to change such horses and surniture in manner as

is before-mentioned.

This act not to defeat any judgment before 25 March, ¥749·

III. Provided always, and it is hereby declared and enacted, That nothing herein contained shall be construed to extend to stay, annul, or defeat any judgment or verdict obtained by virtue of the said above-recited act of the ninth year of her late majesty Queen Anne, on or before the twenty fifth day of March, one thouland seven hundred and forty nine, or the proceedings thereon; any thing herein contained to the contrary notwithstanding.

CAP. XXVI.

An act for repairing and widening the several roads leading into the town. of Rols in the county of Hereford.

Certain tolls granted for 21 years.

### CAP. XXVII.

An all for the more effectual preventing of frands and abuses committed by persons employed in the manufacture of bats, and in the woollen, linnen, fustian, cotton, iron, leather, furr, bemp, flax, mobair, and filk manufactures; and for preventing unlawful combinations of journeymen dyers and journeymen bot pressers, and of all persons employed in the said several manufactures; and for the better payment of of their wages.

13Geo.2. C. 8. Annæ, stat.2. C. 13.

WHEREAS by an act made in the thirteenth year of his pre-fent Majesty's reign, intituled, An act to explain and amend an act made in the first year of the reign of her late majesty Queen Anne, intituled, An act for the more effectual proventing the abuses and frauds of persons employed in the working up the woollen, linnen, fustian, cotton, and iron manufactures of this kingdom, and for extending the faid act to the manufactures of leather, it is amongst other things enasted, That if any person or persons bired or employed in the working up of any woollen, linnen, fustian, cot-



# 1749 J Anno vicesimo secundo Georgii II. C. 27.

ton, or iron manufactures, shall purloin, imbezil, secrete, sell, pown, exchange, or otherwise illegally dispose of any the materials with which be, foe, or they shall be respectively entrusted to work up such woollen, linnen, fustian, cotton, or iron manufactures, whether the same be or be not first made up or manufactured, or shall reel false or short yarn, the person or persons so offending, and being thereof convicted in manner prescribed by the said att of the first year of her said late Majefty's reign, shall forfeit double the value of the damages which the owner or owners of such materials shall respectively sustain thereby, together with full costs of prosecution for every such offence: and in case immediate payment of the respective forseitures, together with Juch costs of prosecution as aforesaid, shall be neglected or refused to be made, that then it shall and may be lawful to and for the same justice of the peace, before whom such conviction shall be made, to cause the offender or offenders to be committed to the house of correction, to be sbere wbipped and kept to hard labour for any time not exceeding fourteen days: and in case of a further conviction for a second or other subsequent offence for imbezilling or purloining any of the materials in the faid att of the first year of her said late Majesty's reign mentioned, that the person or persons so offending shall, for every second or other subsequent offence, forfeit four times the value of the damages which the owner or owners of such materials (whether the same be or be not made up or manufactured) shall sustain thereby, together with fuch costs of prosecution, as shall be adjudged reasonable by the justice before whom such offender or offenders shall be respectively convieted: and in case immediate payment of the respective forfeitures, together with such costs of prosecution as aforesaid, shall be neglected or refused to be made, that then such justice, or any other justice of the peace for the county, riding, division, city, town, or place, where such offences shall be committed, shall cause the said offenders to be committed to the house of correction, to be there kept to hard labour for any time not exceeding three months, nor less than one month, as to fuch justice shall seem reasonable, and also during the time of such commitment shall cause the said offender or offenders to be publickly whipped in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable: and it is by the Said act of the thirteenth year of his present Majesty's reign also further enacted, That every person or persons who shall buy or receive, accept or take, by way of gift, pawn, pledge, or sale of or from any of the persons in the said att of the first year of her said late Majesty's reign mentioned, any woollen, linnen, fustian, cotton, or iron manufactures, either before or after the same shall be manufactured or converted into merchantable wares, knowing the same to be so purloined or imbezilled, and being thereof lavfully convicted, shall severally suffer the like forfeitures and penalties as are by the faid acts respectively inflicted on persons purloining or imbezilling such of the materials or manufactures enumerated in the faid acts respectively; all which forfeitures, when recovered, are by the fait act of the thirteenth year of his present Majesty's reign directed to be applied in manner following; that is to fay, one moiety thereof to the use of the party or parties



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parties injured, and the other moisty to the use of the poor of the parish only where the offence shall be committed, with the like liberty and benefit of appealing to all parties, as is given in and by the faid all of the first year of her said late Majesty: and it is by the said all of the thirteenth year of his present Majesty's reign also further enacted, That if any person or persons hired or employed in cutting, paring, washing, dreffing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or merchandizes, to be made use of in any of the trades or employments, or in manner last-mentioned, or in any branch or particular thereof, shall fraudulently purloin, imbezil, secrete, sell, pown, or exchange all or any part of the gloves, brecches, leather, skins, parings or shreads of glowes or leather, or other materials with which he, she, or they shall be entrusted to work up or manufacture, or shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, boots, shoes, slippers, or wares, when made, wrought up, or manufactured, or do or wilfully permit any other act, to lessen the value of such, or any part of such gloves, breeches, leather, skins, parings or Streads of gloves or leather, boots, shoes, slippers, or other wares last particularized, either before or after the same shall be respectively so made into wares, and be thereof lawfully convicted in manner prescribed by the faid kast-mentioned act, before one or more justice or justices of the peace for the county, riding, division, city, town, or place where such offence shall be committed, or where the party or parties so charged shall reside or inhabit, such justice or justices shall and may award the person or persons so offending, to make a reasonable and suitable recompence and satisfaction for every offence to the parties respectively injured, for the damage by them sustained, so as the same do not exceed double the value of the gloves, breeches, leather, boots, shoes, slippers, wares, goods, or materials, by such offender or offenders so purloined, or imbezilled, secreted, sold, powned, or exchanged; one half thereof to go to the party or parties grieved, and the other half to the use of the poor of the parish or place where such offence shall be committed; together with the full charges attending such conviction; to be levied by warrant under the hand and seal, or hands and seals of such justice or justices by distress and sale of the offenders goods; but if such offender or offenders shall not have goods sufficient to answer the forfeitures and the expences attending the premisses, and shall also neglect or refuse immediately to pay the same, that then the said offender or offenders, shall, by like warrant of such justice or justices last described, be for every distinct offence committed to the house of correction, or other publick prison of fuch county, riding, city, town, or place, and there kept to hard labour for the space of fourteen days, and shall be there likewise whipped in fuch manner, as the faid justice or justices shall order and direct; and in case also of a subsequent conviction for a second or any other such like offence, that the person or persons so offending, for every second or other subsequent offence, shall for feit four times the value of the damages which the owner or owners of such materials, either before or after the same shall be respectively made up into wares, shall suffain thereby, together with such costs or prosecution, as shall be adjudged rea onable



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reasonable by the justice, before whom such offender or offenders shall be respectively convicted; and in case immediate payment of the re-Spective forfeitures, together with such costs of prosecution as afore-Jaid, shall be negletted or refused to be made, that then it shall and may be lawful to and for such justice to commit the offender or offenders last described to the house of correction, or other publick pri-Jon, to be there kept to hard labour, for any time not exceeding three months, nor less than one month, as to such justice shall seem reasonable; and also, during the time of such commitment, shal cause the Said offender or offenders to be publickly whipp d in the market town where such offender or offenders shall be respectively committed, at the market place or cross of such town, once or oftener, as to such justice shall seem reasonable: and it is by the said alt of the thirteenth year of his present Majesty's reign also further enacted, That every person and persons who shall knowingly or willingly buy or receive, accept to take, by way of pawn, pledge, sale, or in any other manner, of or from any of the persons offending in either of the particulars lastmentioned, or of or from any other person or persons whatsoever (xcept of or from the person or persons in whom the property of such gloves, breeches, leather, boots, Shoes, Slippers, wares, goods, or other materials, shall be at the time of such sale, pawn, or exchange) or offer so to do, such person or persons offending therein respectively, shall, for every offence, being convicted thereof in manner before prescribed by the said last-mentioned act, make such suitable and reasonable recompence and satisfaction, within two days next after the matter of fact shall be determined by any one or more justice or justices as afore-Said, upon hearing the same, or elfe be subject to such distress; and for want of sufficient distress, to be liable to the like punishment as is by the said att directed to be inflitted on such person or persons as shall purloin, imbezil, secrete, sell, pawn, or exchange any gloves, breeches, leather, boots shoes, slippers, wares, goods, or other materials or effects of that fort as aforesaid, and so in like manner for any second and every other subsequent offence: and whereas the penalties and forfeitures to which offenders against the said acts are Subjected, have not been sufficient to deter persons from committing the offences thereby intended to be prevented: and whereas many persons employed in the making of felts or hats, and in preparing or working up the manufactures of furr, hemp, flax, mohair, and filk, and also the manufactures made of wooll, furr, hemp, flax, mohair, cotton, or filk, or Some of them mixed one with another, have of late been guilty of divers frauds and abuses, by purloining, imbezilling, secreting, selling, pawning, exchanging, or otherwise unlawfully disposing of the materials with which they have been entrusted; and it is therefore become necessary to make provision for preventing such offences for the future: therefore for amending and rendering more effectual the faid act made in the thirteenth year of his present Majesty's reign, and for extending the provisions and regulations therein and herein made, to the several manufactures herein before mentioned, be it enacted by the King's most excellent majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assem-Bled, and by the authority of the same, That if any person or  $X_3$ perions

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persons whatsoever, who shall be hired or employed to make any

felt or hat, or to prepare or work up any woollen, linen, fustian,

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Persons employed in the manufactures described, bematerials,

or of reeling false or short уаги

ted,

and publickly whipped.

Penalty of a fence.

cotton, iron, leather, furr, hemp, flax, mohair, or filk manuing convicted factures, or any manufactures made up of wool, furr, hemp, of imbezilling, flax, cotton, mohair, or filk, or of any of the faid materials &c. any of the mixed one with another, shall, from and after the twenty fourth day of June, one thousand seven hundred and forty nine, purloin, imbezil, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any of the materials, with which he, she, or they shall be respectively entrusted, whether the same, or any part thereof, be or be not first wrought, made up, manufactured, or converted into merchantable wares, or shall reel false or fhort yarn, and shall be thereof lawfully convicted, by the oath or (if the owner thereof be of the people called Quakers) solemn affirmation of the owner of fuch goods or materials, or by the oath or affirmation of any other credible witness or witnesses, or by the confession of the person or persons charged with such offence, before any one or more justice or justices of the peace of the county, riding, division, city, liberty, town, or place, where fuch offence shall be committed, or where the person or persons fo charged shall reside or inhabit (which oath or affirmation the faid justice r justices is and are hereby impowered and required to administer) it shall and may be lawful to and for the said justice or justices, by warrant under his or their hand and seal, to be commit- or hands and feals, to commit the person or persons so convicted to the house of correction, or other publick prison of such county, riding, division, city, liberty, town, or place, there to be kept to hard labour for the space of fourteen days, and also to order the person or persons so convicted, to be once publickly whipped at the market place, or some other publick place of the city, town, or place, where such offender or offenders shall be respectively committed; and in case of a further conviction, in manner before prescribed by this act, for or upon a second or other subsequent offence of the same kind, it shall and may be subsequent of- lawful to and for the justice or justices, before whom such conviction shall be had, to commit the person or persons so again offending, to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, and also to order the person or persons so again offending, to be publickly whipped at the market place, or some other publick place of the city, town, or place where such offender or offenders hall be respectively committed, twice or oftner, as to such justice or justices shall appear reasonable; any thing in the said act of the first year of her said late Majesty's reign, or in the said in part recited act of the thirteenth year of his present Majesty's reign,

Rerions coning or receiving materials from workmen,

to the contrary in any wife notwithstanding. II. And be it further enacted by the authority aforesaid, That victed of buy- if any person or persons shall buy, receive, accept, or take, by way of gift, pawn, pledge, tale, or exchange, or in any other manner whatfoever, of or from any person or persons, hired or employed



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ployed to make any felt or hat, or to prepare or work up the woollen, linnen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or filk manufactures, or any manufactures made up of wooll, furr, hemp, flax, cotton, mohair, or filk, or of any of the faid materials mixed one with another, any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, or iron, or any leather, mohair, or filk, whether the same, or any part thereof, be or be not first wrought, made up, or manufactured, knowing the person or persons of whom he, she, or they, so buy, receive, accept, or take the said materials, to be so hired or employed as aforesaid, and not having first obtained the confent of the person or persons so hiring or employing him, her, or them, who shall offer to sell, pawn, pledge, exchange, or otherwise dispose of the said materials, or shall buy, receive, accept, or take, in any manner whatsoever, of or from any other person or persons whomsoever any of the said materials, whether the same be or be not first wrought, made up, or manufactured, knowing the same to be so purloined or imbezilled, then, and in every such case, the person or persons so buying, receiving, accepting, or taking any such materials, being thereof lawfully convicted, in manner before prescribed by this act, for the conviction of persons purloining or imbezilling the faid materials, shall, for the first offence, forfeit the to forfeit for fum of twenty pounds; and in case the said forfeiture shall not fence so l. and be immediately paid, the justice or justices before whom such on nompayconviction shall be had, shall commit the party or parties so con-ment to be victed to the house of correction, or other publick prison as a committed, foresaid, there to be kept to hard labour, for the space of sourteen days, unless the said forfeiture shall be sooner paid; and if within two days before the expiration of the said fourteen days, the faid forfeiture shall not be paid, the faid justice or justices is and are hereby impowered and required, to order the person or persons so convicted, to be publickly whipped at the and whipped; market place, or some other publick place of the city, town, or place where fuch offender or offenders shall be respectively committed, once or oftener, as to such justice or justices shall appear reasonable; and in case of a further conviction, for or upon and in case of a second or any other subsequent offence of the same kind, the subsequent ofperson or persons so again offending, being thereof convicted in manner before prescribed by this act, shall, for every second or other subsequent offence, forfeit the sum of forty pounds; and to forfeit 401. in case the said forfeiture shall not be immediately paid, the just- &c. tice or justices, before whom such conviction shall be had, shall commit the party or parties so convicted to the house of correction, or other publick prison as aforesaid, there to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the said forseiture shall be sooner paid; and if within seven days before the expiration of the time for which fuch offender or offenders shall be so committed, the said forfeiture shall not be paid, the said justice or justices is and are hereby impowered and required to order such offender or offen-X 4



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ders to be publickly whipped at the market place, or some other publick place of the city, town, or place, where he, she, or they shall be respectively committed, twice or oftener, as to such justice or justices shall appear reasonable; and the said respective forfeitures of twenty pounds and forty pounds, when recovered, after fatisfaction shall have been made thereout to the party or parties injured, together with such costs of prosecution as shall be judged reasonable by the justice or justices before whom such conviction shall have been had, shall be equally distributed amongst the poor of the parish or place where the person or perfons fo convicted shall reside or inhabit; any thing in the said two first-mentioned acts, or either of them, to the contrary in any wife notwithstanding.

Appeal given

III. Provided always, and it is hereby enacted, That if any to persons con-victed of buy- person convicted as aforesaid, of buying, receiving, or taking to ing materials. pawn, any of the materials herein before-mentioned, shall think himself or herself aggrieved by the judgement of the justice or justices, before whom he, she, or they shall have been convicted, such person shall have liberty to appeal to the justices, at the next general or quarter sessions of the peace, which shall be held for the county, riding, division, city, liberty, town, or place where such judgement shall have been given; and that the

ty, &cc.

The appellant execution of the faid judgement shall in such case be suspended, giving securi- the person so convicted entering into a recognizance at the time of fuch conviction, with two fufficient fureties, in double the fum which fuch person shall have been adjudged to forfeit, upon condition to prosecute such appeal with effect, and to be forth coming to abide the judgement and determination of the justices in the faid general or quarter fessions; which recognizance the faid justice or justices, before whom such conviction shall be had, is and are hereby impowered and required to take; and the justices, in the said general or quarter sessions, are hereby authorized and required to hear and finally determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable to be paid by either party; and if upon the hearing of the faid appeal, the judgement of the justice or justices, before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately pay the sum which he or she shall have been adjudged to forfeit, together with such costs as the justices, in the faid general or quarter sessions shall award, to be paid by him or them for defraying the expences sustained by the defendant or defendants in such appeal; or in default of making fuch payments, shall suffer the respective pains and penalties by this act inflicted upon persons who shall neglect to pay, or shall not pay the respective forfeitures by this act imposed upon such as shall be convicted of buying, receiving, or taking to pawn any of the materials herein before-mentioned, which shall have been purloined or imbezilled.

IV. And be it further enacted by the authority aforesaid, That if any person or persons shall be charged with, and afterwards convicted

Justices impowered to



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convicted of purloining or imbezilling any of the aforesaid ma- grant a warferials, or of buying or receiving the fame in manner before de- rant to fearch feribed, it shall and may be lawful to and for the justice or just the houses, fcribed, it shall and may be lawful to and for the justice or jus- &c. of pertices of the peace, before whom such conviction shall be had, to sons convicted iffue a warrant under his or their hand and feal, or hands and of purloining, feals, directed to any person or persons, impowering him or &c. them, in the presence of a constable or headborough, and in the day time, to enter into and fearch the houses, out-houses, shops, cellars, vaults, and other places belonging to the person or perfons so convicted as aforesaid; and if upon any such search or fearches, there shall be found any thrums or ends of yarn, or any other materials of wooll, furr, hemp, flax, cotton, iron, leather, mohair, or filk, it shall and may be lawful to and for the person or persons impowered to make such search or searches as aforesaid, to bring such materials before the said justice or justices, to be by him or them detained and kept in safe custody; and if within the space of twenty four days next after such thrums, or ends of yarn, or other materials shall be so taken and detained, it shall be made appear to the satisfaction of the faid justice or justices, that the person or persons from whose houles, out-houses, shops, cellars, vaults, or other places as aforesaid, the said materials shall be so taken and detained, is or are the lawful owner or owners thereof, and came to the poffession of the same in an honest and lawful manner, then all such thrums or ends of yarn, or other materials, so taken and kept as aforefaid, shall be restored to the person or persons out of whose custody or possession the same shall have been so taken; but in case it shall not be made appear within the time before limited, to the satisfaction of the said justice or justices, that the person or persons convicted as aforesaid, is or are the lawful owner or owners of the faid materials so taken and detained as aforesaid, then, and in every such case, the said materials shall be deemed and adjudged to be purloined and imbezilled; and it shall and may be lawful to and for the faid justice or justices to direct all fuch thrums or ends of yarn, or other materials, to be publickly fold, and the money arising by such sale (the charges of fuch sale being first deducted) to be equally distributed amongst the poor of the parish or place where the person or perfons so convicted shall reside or inhabit.

V. Provided always, and it is hereby enacted, That the said Justice to give justice or justices shall, within three days after such materials notice to the shall be brought to him or them as aforesaid, give notice there-convict, of the of in writing under his or their hand and feal, or hands and brought to feals, to the person or persons convicted as aforesaid, appoint- him, in order ing in such notice a time and place for his, her, or their at- to prove his tending, in order to make out and prove his, her, or their pro- property, &c. perty in such materials so taken and detained as aforesaid; which time so to be appointed, shall be within twenty one days, and not less than eighteen days after such notice given; and if the person or persons so convicted, shall be detained in any house of correction, or other prison as aforesaid, the said justice or ju-

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stices shall also cause a copy of the said notice, attested under his or their hand and seal, or hands and seals, to be delivered to the master or keeper of such house of correction, or other prison; which master or keeper is hereby required to bring, or cause to be brought, before such justice or justices, the person or persons named in such notice, at the time and place therein specified, if the person or persons named in such notice be then in the custody of such master or keeper; and if any such master or keeper shall neglect or refuse so to do, such master or keeper shall, for every such neglect or refusal, forfeit to the person or persons respectively named in such notice, the full value of the materials so taken, detained, and sold; to be recovered by distress and sale of the goods and chattels of such master or keeper, by warrant under the hand and seal, or hands and seals of the justice or justices signing such notice, in case the said forfeiture shall not be immediately paid.

Persons aggrieved may appeal.

Notice of appeal to be given.

VI. Provided also, and it is hereby further enacted, That if any person shall think himself or herself aggrieved by the judgment or order of the faid justice or justices, relating to the sale or disposal of the said materials so found and detained as aforefaid, such person shall have liberty to appeal against the judgment or order of the said justice or justices, to the justices of the peace in the general or quarter session of the peace which shall be held for the same county, riding, division, city, liberty, or town corporate, next after such judgment or order shall be given or made; and that in the mean time the sale and disposal of such materials shall be postponed; notice in writing under the hand of the person intending to appeal, signifying such his or her intention, being given to the justice or justices by whom fuch order shall have been made, before the time appointed for the fale and disposal of such materials; and the justices of the peace in the said general or quarter sessions of the peace, are hereby authorized and impowered to summon and examine witnesses upon oath (or being of the people called Quakers, upon their folemn affirmation) and to hear and finally determine the matter of the said appeal; and in case the said appellant shall not profecute such his or her appeal, or for any other cause the judgment of the said justice or justices by whom such order shall have been made shall be affirmed, it shall and may be lawful to and for the justices in the said general or quarter sessions of the peace, to award such costs as they, in their discretion, shall think reasonable to be paid by the appellant for defraying the expences sustained by the defendant or defendants in such appeal.

Penalty on workmen not materials, within 21 days.

VII. And be it further enacted by the authority aforesaid, That if any person or persons entrusted with any of the materemains of the rials herein-before mentioned, in order to prepare, work up, or manufacture the same, shall not use all such materials in the preparing, working up, or manufacturing of the same, and shall neglect or delay, for the space of twenty one days after

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#### Anno vicelimo lecundo GEORGII IL C 27. 1749-J

such materials shall be prepared, worked up, or manufactured, to return (if required by the owner or owners of such materials to to do) to much of the faid materials as shall not be used as atorelaid, to the person or persons entrusting him, her, or them therewith, such neglect or delay shall be deemed and adjudged to be an imbezilling or purloining of such materials; and the person or persons so neglecting or delaying, being thereof convicted, in manner before prescribed for the conviction of offenders against this act, shall suffer the like punishment, as perfons convicted of imbezilling or purloining any of the materials herein before-mentioned, are by this act rendered subject and liable to.

VIII. And be it further enacted by the authority aforesaid, Justice to iffue That it shall and may be lawful to and for any one justice of the his warrant peace of any county, riding, division, city, liberty, town, or upon complace, and he is hereby required, upon complaint to him made plaint of any upon oath, or (if the person complaining be of the people called gainst this Quakers) solemn affirmation of any offence committed against act. this act within the same county, riding, division, city, liberty, town, or place, to iffue his warrant for apprehending and bringing before him, or before any other justice or justices of the peace of the same county, riding, division, city, liberty, town, or place, the person or persons charged with such offence; and the justice or justices, before whom such person or persons shall be brought, is and are hereby authorized and required to hear and determine the matter of every fuch complaint, and to proceed to

conviction and judgement thereupon.

IX. And, for the better regulating of the journeymen, and Journeymen other persons employed as manufacturers or workers in the ma- not completnufacture of felts or hats, and in the woollen, linnen, fustian, ing their cotton, iron, mohair, furr, hemp, flax, or filk manufactures, or work, &c. any manufactures made up of wooll, furr, hemp, flax, linnen, cotton, mohair, or filk, or any of the said materials mixed one with another, be it further enacted by the authority aforesaid, That if any person who, at any time after the said twenty fourth day of June, one thousand seven hundred and forty nine, shall be hired, retained, or employed to prepare or work up any of the manufactures herein before-mentioned for any one master, shall neglect or refuse the performance thereof, by procuring or permitting himself or herself to be subsequently retained or employed by any other master or person whatsoever, before he or she shall have completed the work which he or she was first and originally so hired, retained, or employed to perform, and which was first delivered to him or her, then, and in every such case, the person so offending, being thereof lawfully convicted by the oath, or (being of the people called Quakers) affirmation of one or more credible witness or witnesses, before one or more justice or justices of the peace of the county, riding, division, city, liberty, town or place, where the offence or offences shall be committed, shall be sent to the house of correction, there to to be commitbe kept to hard labour for any time not exceeding one month. X. Pro-



Anno vicesimo secundo Georgii II. C. 27. 316 1749.

Limitation of the powers of this act.

13 & 14 Car. 2. C. 15.

20 Car. 2. c. 6.

That this act, or any thing therein contained, shall not extend, or be construed to extend to repeal any of the provisions mentioned and contained in an act made in the thirteenth and fourteenth years of the reign of King Charles the Second, intituled, An act for regulating the trade of filk-throwing; or in an act made in the twentieth year of the reign of King Charles the Second, intituled, An att to regulate the trade of filk-throwing; or in an act 8&9W.3.c.36. made in the eighth and ninth years of the reign of King William the Third, intituled, An act for the further encouragement of the manufacture of lustrings and alamodes within this realm, and for the better preventing the importation of the same; for the punishment of filk winders, doublers, and other persons, convicted of purloining, imbezzilling, pawning, felling, or detaining, any filk delivered them to wind, double, or work up, or after the same is wrought up, and of the buyers, receivers, or persons taking to pown any filk so imbezilled or purloined, but that the said provisions shall remain in full force, and the penalties and forfeitures to which offenders against the said acts are thereby respectively subjected, may be levied, recovered, and inflicted in the same manner as such penalties and forfeitures might have been levied, recovered, and inflicted before the making of this act; any thing herein contained to the contrary thereof in any wife notwithstanding.

X. Provided always, and it is hereby enacted and declared,

XI. Provided nevertheless, and it is hereby further enacted and declared, That no person shall, by virtue of the said acts herein before last-mentioned, or of this act, suffer or be liable to fuffer the punishments thereby inflicted, twice for one and

the same fact or offence.

32 Gen. I.C. 34.

None to be

tame offence.

punished; twice for the

> XII. And whereas by an act made in the twelfth year of the reign of his late majesty King George the First, intituled, An act to provent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages, all contracts, covenants, or agreements, and all by-laws, ordinances, rules, or orders made or entered into, or hereafter to be made or entered into, by or between any persons brought up in, or professing, using, or exercifing the art and mystery of a wooll comber, or weaver, or journeyman wooll comber, or journeyman weaver, in any parish or place within this kingdom, for regulating the faid trade or mystery, or for regulating or settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, are declared to be illegal, null, and void to all intents and purposes: and it is, by the faid last-mentioned att (amongst other things) enacted, T it if any wool comber, or weaver, or journeyman wool comber, or jurneyman weaver, or other person concerned in any of the woollen man afastures of this kingdom, shall at any time keep up, continue, all ii, make, enter into, fign, feal, or be knowingly concerned in any contract, covenant or agreement, by law, ordinance, rule, or order of . y club. fociety, or combination, by the faid att declared to be iliegal, or shall presume or attempt to put any such illegal agreement, by no ordinance, rule, or order in execution, every perfen so offerding being thereof lawfully-convicted in manner prescribed by the sid act, Bull at the diferction of the justices of the peace, before whom fuch con-

> > eichien.



# 1749.] Anno vicesimo secundo Georgii II. c. 27.

viction shall be had, be committed either to the house of correction, there to be kept to hard labour for any time not exceeding three months, or to the common gaol of the county, city, town, or place where such offence shall be committed, there to remain without bail or mainprize for any time not exceeding three months: and it is, by the said lastmentioned act, also further enacted, That if any person retained or employed as a wool comber or weaver, or servant in the art or mystery of a wool comber or weaver, shall depart from his service before the end of the time for which he is hired or retained, or shall quit or return his work before the same shall be finished according to agreement, unless it be for some reasonable cause to be allowed by two or more justices of the peace within their respective jurisdictions, every person So offending, being thereof convicted in manner prescribed by the said act, shall be committed to the house of correction, there to be kept to hard labour for any time not exceeding three months; and if any wool comber, weaver, servant, or person hired, retained, or employed in the said art or mystery, shall wilfully damnify, spoil, or destroy (without the consent of the owner) any of the goods, wares, or work committed to his care or charge, or wherewith he shall be entrusted, such offender being thereof convicted, shall forfeit and pay to the owner or owners of such goods or wares so damnified, spoiled, or destroyed, double the value thereof; to be levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hands and seals of any two or more justices of the peace, within their respective jurisdictions; and, for want of sufficient distress, such justices shall commit the party or parties offending to the house of correction, there to be kept to hard labour, for any time not exceeding three months. or until satisfaction be made to the party or parties aggrieved for the same: and it is, by the said last-mentioned act, also further enacted, That every clothier, serge maker, or woollen or worsted stuff maker, or person concerned in making any woollen cloths, serges, or stuffs, or concerned in employing wool combers, weavers, or other labourers in the woollen manufactory, shall pay to all persons by them employed in the woollen manufacture, the full wages, or other price agreed on, in good and lawful money of this kingdom, and shall not pay the said wages, or other price agreed on, or any part thereof, in goods, or by way of truck, or in any other manner than in money, or make any deduction from such wages or price, for or on account of any goods fold or delivered, previous to such agreement, by any person or perfons what soever: and for the more easy recovery of the said wages, or price agreed on, any two or more justices of the peace, within their respective jurisdictions, are authorized and required, upon complaint made for that purpose, to summon before them the party or parties offending, and for nonpayment of Juch wages, or price agreed on, in money as aforesaid, or jufficient satisfaction given for the same, to the good liking of the party or parties aggrieved, to iffue their warrant or warrants, under their hands and feals, for levying fuch wages or price, due as aforesaid, by distress and sale of the offender's goods and chattels, rendering the overplus to the owner; and for want of sufficient distress, to commit the party or parties offending to the common gaol of the county, city, town, or place, where such offence shall be committed.



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committed, there to remain without bail or mainprize for the space of fix menths, or until he, the, or they that pay fuch wages, or price agreed en, in money as aforefaid, or give full fatisfaction for the payment of the fame, to the good liking of the party grieved: and it is, by the faid last-mentioned act, who further enacted, That if any clathier, ferge maker, woollen or worfted fluff maker, or person comarrand in making any woollen cloths, forges, or fluffs, or any tody concerned in employing wood combers, weavers, or other labourers in the woollen manufactory, shall pay any person or persons employed by them, their wages, or other price agreed on, or any part thereof, either in goods, or by way of truck, or in any other manner than in mency, every person so offending, shall also forfeit and pay the sum of ten pounds, one moiety thereof to the informer, and the other moiety to the party or parties aggrieved, to be levied by diffress and sole of the affender's goods as aforesaid, rendering the overplus (if any be) to whe assumer: and it is, by the said last-mentioned act, also provided, That it shall be lawful for any person aggrieved, by any order or orders to be made by any two or more justices of the peace as aforesaid, to appeal to the juflices of the peace at the next general quarter sessions to be bolden for the county, city, division, parish, or place, where such order shall be made, giving reasonable notice of such appeal, the reasonableness of which notice shall be determined by the justices at the quarter fessions to which such appeal is made; and if it shall appear to them, that reasonable time of notice was not given, then they shall adjeurn the said appeal to the next quarter sessions, and then and there finally hear and determine the same; and the justices, who in the general quarter sessions shall hear the matter, shall have power to award reasonable costs to either party, as to them shall feem just : and it is, by the faid last-mentioned act, also further enacted, That if any person or persons shall assault or abuse any master wool comber, master weaver, or other person concerned in any of the woollen manufactures, whereby any fuch master or other person shall receive any bodily hurt, for not complying with, or not conforming, or not submitting to any fuch illegal by-laws, ordinances, rules, or orders aforesaid; or if any person or persons shall write, or cause to be written, or knowingly fend, or cause to be sent, any letter, or other writing or message, threatening any burt or harm to any fuch master wool comber, or master weaver, or other person concerned in the woollen manufacture, or sbreatening to burn, pull down, or destroy any of their houses or out-houses, or to cut down or destroy any of their trees, or to maim or kill any of their cattle, for not complying with any demands, claims, or pretences of any of his or their workmen, or others employed by them in the faid manufacture, or for not conforming, or not fubmitting to any fuch illegal by-laws, ordinances, rules, or orders as aforefaid, every person so knowingly and willingly offending in the premisses, being thereof lawfully convicted, upon any indiciment to be found within twelve calendar months next after any fuch offence committed, shall be adjudged guilty of felony, and shall be transported for seven years to some or one of his Majesty's colonies or plantations in America, by fush ways and means, and in fuch manner, and under fach pains and penalties, as felons in other safes are by law to be transported : and whereas



# 1749.] Anno vicesimo secundo Georgii II. C. 28, 29.

whereas it is necessary that the said several provisions and regulations in the faid last in part recited act, should be extended to journeymen dyers, journeymen bot pressers, and all other persons employed in the woollen manufactures of this kingdom, and also to journeymen, fervants, workmen, and labourers, employed in the making of felts er bats, and in the manufactures of filk, mobair, furr, hemp, flaw, linen, cotton, fustian, iron, and leather, or any manufactures made up of wool, furr, hemp, flax, cotton, mobair, or filk, or of any of the faid materials mixed one with another; be it therefore enacted by the authority aforesaid, That the faid several be- The provifore recited clauses in the said act, made in the twelfth year sions in the reof his said late Majesty's reign, and all the provisions, regu-cited act, to lations, pains, penalties, and forfeitures, therein contained, extend to perthall, from and after the faid twenty fourth day of June, one in the manuthousand seven hundred and forty nine, extend, and be construed, factures enudeemed, and adjudged to extend to journeymen dyers, journey- merated. men hot pressers, and all other persons whatsoever, employed in or about any of the woollen manufactures of this kingdom, and also to journeymen servants, workmen, and labourers, and all other persons whatsoever employed in the making of felts or hats, or in or about any of the manufactures of filk, mohair, furr, hemp, flax, linen, cotton, fustian, iron, or leather, or in or about any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or filk, or of any of the faid materials mixed one with another, in as full and ample manner as the faid provisions, regulations, pains, penalties, and forfeitures, are by the faid last-mentioned act declared to extend to the several and respective persons therein named; and the pains, penalties, and forfeitures, which shall be incurred by reason of any offence committed against the said last-mentioned act, by any person or perfons employed or concerned in or about any of the faid manufactures, herein before enumerated, shall be inflicted, levied, Forfeitures to and recovered, in the same manner as the pains, penalties, and be inflicted as forfeitures, contained in the said last in part recited act, are di- in the said act. rected to be inflicted, levied, and recovered, upon and against the feveral and respective persons therein mentioned.

### CAP. XXVIII.

An act for continuing two acts of parliament, the one passed in the thirteenth year of the reign of his late majesty King George the First, for amending the feveral roads leading from the city of Briftol; and the other passed in the fourth year of the reign of his present May sty, to explain and amend the same act, and for making the said acts more effectual; and also for repairing other roads therein mentioned.

The fo mer afts 13 Geo. 1. c. 12. and 4 Geo 2. c 22. continued for 21 years.

# CAP. XXIX.

An all for making an authentick roll of valuation for the fbire of Argyll.

WHEREAS there has not been any authentick or authorized valuation of the shire of Argyll extant at any time sin e th late happy revolution, in the year of our Lord one theufand fix hundred,

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eighty eight, and for want thereof it was provided by the fixth all of the parliament of Scotland, holden in the year one thousand six bundred and ninety, intituled, Act for raising a supply offered to their Majesties; That the shire of Argyll should pay their proportion of that supply, and in time coming, according as the said shire did pay before the year one thousand six hundred and eighty four, until there be a new valuation; and whereas such new valuation has never hitherto been made or authorized: now for remedying the inconveniencies arising from the want of an authentick roll of valuation for the thire of Argyll, according to which the established proportion of cess, payable by the said shire, may be levied and collected from the several heretors, proprietors, and occupiers of lands, lying within the same, in the same manner, and with the like ease, certainty and regularity, as is practised in other shires, within that part of Great Britain called Scotland; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the au-Commissioners thority of the same, That Sir Duncan Campbell of Lochnell, Duncan Campbell of Inveraw, Archibald Lamont of Lamont, John Campbell of Barcalden, Donald Campbell of Airds, Neil Macneil of Ugadill, Archibald Campbell of Knockbuy, Alexander Macmillan of Dunmore, Archibald Campbell of Danna, Archibald Campbell of Melford, Archibald Campbell of Inverliver, Hetter Maclean of Torloisk, Neil Campbell of Duntroon, master John Campbell of Ottir, captain James Campbell the younger of Ardkinglass, John Mackinnon of Mackinnon, Archibald Campbell of Dunnoon, Colin Campbell of Skipness, Hector Maclean of Coll, Archibald Campbell of Stonefield, Daniel Campbell of Shawfield, Duncan Campbell of Shunderland, John Macdonald of Lergy, and Archibald Campbell of

Nine commiffioners to be a

Quorum.

names.

Jura, of whom nine are hereby declared to be a Quorum, shall be, and they are hereby constituted and appointed commissioners for making an authentick roll of valuation for the faid shire of Argyll, which they are hereby authorized, impowered, and required to do.

Time and mg.

II. And be it enacted by the authority aforesaid, That the place of meet- commissioners aforesaid, or any nine or more of them, shall meet together at Inverary on the twenty first day of June next, and shall then adjourn themselves, and afterwards meet there, or at any other place, as the said commissioners, or any nine or more of them, shall think proper or convenient, as often as it shall be necessary for putting this act, or any of the powers therein contained in execution.

Commissioners may fum-Scc.

III. And be it likewise enacted by the authority aforesaid, That the commissioners aforesaid, or any nine or more of them, mon heretors, shall have power to summon the heretors, and other persons having interest in the said shire, to appear before them, and to take all manner of probation as they shall see cause, and to do all other acts necessary for carrying this act into execution.

Commissioners not to act

IV. Provided always, and it is hereby further enacted. That none of the commissioners aforesaid; shall act as such, until they

Mall.

1749.] Anno vicesimo secundo GEORGII II. C. 29.

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shall have qualified themselves, by taking the oatl's app nted 1 hey a c by law to be taken by persons in offices of publick trust in Sc t- qual ed. land, either in the sheriff's court held for the said shire, or any

other court of law appointed for that purpose.

V. And it is hereby further enacted by the authority afore- Three copies faid, That as soon as the said commissioners shall have finished of the rol to and completed the faid roll of valuation, three copies thereof be transmitted to t e offices shall be figured by nine or more of the said commissioners, one herein menwhereof shall be transmitted to the treasurer's remembrancer in tioned. his Majesty's court of Exchequer in that part of Great Britain called Scotland, to be kept amongst the records of the said court, and another of the faid copies shall be delivered to the sheriff, or theriff depute of the faid thire, to be recorded in the theriff's books for the faid shire, and to be patent in all time com ng to all persons having occasion to inspect the same, and another copy of the faid roll, so signed as aforesaid, shall be delivered to the clerk of the commissioners of supply for the said shire, for the ule of the faid commissioners in all time coming.

VI. And it is hereby enacted by the authority aforesaid, That Tie va"d'ty the faid roll, when so signed and delivered as aforesaid, shall be of the oll deof the same force, efficacy, and validity, to all intents and pur- Glared. poles, for and in respect to the said shire of Argyll, and lands and hereditaments lying within the same, as any other authentick roll of valuation is by law for any other shire in that part of Great Britain called Scotland, and the lands lying within the

iame.

VII. Provided alwise, and it is hereby enacted by the autho- The quota of rity aforesaid, That the Quota or proportion of cess charged up- the cess to be on the faid shire, shall continue the same as it has been heretofore the same.

before the palling of this act.

VIII. And provided likewise, and it is hereby further enacted, The supplies That until the first day of June, which shall be in the y ar of to be raised as our Lord one thousand seven hundred and fifty, and likewise heretofore, from and after the said first day of June, one thousand seven hun-completed. dred and fifty, until the faid roll shall be completed, figned, and delivered in manner above-mentioned, the publick supplies shall be levied and collected within the faid thire, in the manner that has been heretofore practifed within the same before the passing of this act.

IX. And be it likewise further enacted, That all arrears of Anears to be the publick supplies or cess grown due, or hereafter to grow due I vied as toron or before the said first day of June, one thousand seven hun-mer y. dred and fifty, shall be levied and collected within the said shire, in the manner that has been heretofore practited within the fame; any thing in this act to the contrary notwithstanding.

X. And it is hereby further en cted, That it shall and may Persons agbe lawful for any person or persons, heretors or I fe-renters, grieved may within the said shire, who sh ll apprehend him, her, or them appeal. felves to be aggrieved by the valuation that shall be made by the faid commissioners, of any lands, or heretages within the faid shire, as being too high or too low, or otherwise unequal, to ° Vol. XIX.



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apply for redress of such grievance or unequality, by summary petition or complaint to the barons of the court of Exchequer in Scotland, at any time within twelve months after a copy of the faid valuation, as fettled by the commissioners, shall be recorded in the sheriff's books for the said shire, to be patent to all persons having interest; and upon such complaint exhibited to the said barons, they are hereby authorized and required to grant warrant for ferving the same upon any nine or more of the said commissioners, to answer upon fifteen days after such service; and and then upon hearing the faid complaint in a summary manner, with the answers, if any be made by the said commissioners, or other parties having interest, the said barons, or any three of them, are hereby authorized and required to make fuch order, touching the matter of said complaint, as to them shall appear just, which order shall be final; and in case it shall import any variation of the roll of valuation made by the commiffioners, that roll or valuation shall be altered accordingly.

### CAP. XXX.

An all for encouraging the people known by the name of Unitas Fratrum or United Brethren, to settle in bis Majesty's colonies in America.

TATHEREAS many of the people of the church or congregations called the Unitas Fratrum or United Brethren, are settled in his Majesty's colonies in America, and demean themselves there as a sober, quiet, and industrious people; and many others of the same persuasion are desirous to transport themselves to, and make larger settlements in, the siid colonies at their own expence, provided they may be indulged with a full liberty of conscience, and in the exercise of the religi n they profess; and screral of the said brethren do conscientiously scruple the taking of an oath, and likewise do conscientiously scruple bearing arms, or personally serving in any military capacity, although they are willing and ready to contribute whatever sums of money shall be thought a reasonable compensation for such service, and which shall be necessary for the defence and support of his Majesty's person and government: and whereas the said congregations are an ancient protestant episcopal church, which has been countenanced and relieved by the Kings of England, your Majesty's predecessors: and whereas the encouraging the fild people to settle in America, will be beneficial to the said colonie; therefore may it please your Majesty, at the humble petition of Abraham baron of Gersdorff, Lewis baron Schrautenba h free lord of Lindheim, David Nitschmann syndic, Charles Sehachmann baron of Hermsdorff, and Henry Coffart agent, deputies from the faid Moravian churches, in behalf of themselves and their United Brethren, that it may be enacted: and be it therefore enacted by the King's most excellent majesty. by and with the advice and content of the lords spiritual and Unitas Frairum temporal, and commons, in this present parliament assembled. and by the authority of the same, That from and after the twenty make a rolemn fourth day of June, one thousand seven hundred and forty nine, every

Members of allowed to make a folemn beu of an oath.



### Anno vicesimo secundo Georgii II. C. 30. 1749.]

every person being a member of the said protestant episcopal church, known by the name of Unitas Fratrum, or the United Brethren, and which church was formerly settled in Moravia and Bohemia, and are now in Prussia, Poland, Silesia, Lusatia, Germany, the United Provinces, and also in his Majesty's dominions, who shall be required upon any lawful occasion to take an oath in any case where by law an oath is or shall be required, shall, instead of the usual form, be permitted to make his or her solemn affirmation or declaration in these words following:

### A. B. do declare in the presence of Almighty God, the witness of Form of affir-A the truth of what I fay.

Which said solemn affirmation or declaration shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places where by law an oath is or shall be required within the kingdoms of Great Britain and Ireland, and also in all and every of his Majesty's colonies and dominions in America, as if such person had taken an oath in the usual form.

II. And be it further enacted by the authority aforesaid, That Penalty of any person making such solemn affirmation or declaration, who false affirming. shall be lawfully convicted, wilfully, falsly, and corruptly to have affirmed or declared any matter or thing, which, if the same had been deposed on oath in the usual form, would have amounted to wilful and corrupt perjury, every such person so offending shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

III. Provided, and be it enacted, That no person being of the Not to extend faid church or congregation called the Moravian or United to criminal Brethren, shall by virtue of this act be qualified to give evidence cases, &c. in any criminal causes, or to serve on juries; any thing con-

tained in this act to the contrary notwithstanding.

IV. And be it further enacted, That every person who is a Moravians member of the faid church or congregation, who shall reside in summoned to any of his Majesty's colonies in America, who shall at any time do any miliafter the said twenty fourth day of June, one thousand seven tary service to hundred and forty nine, be summoned to bear arms, or do military service, in any of his Majesty's said colonies or provinces of America, shall, on his application to the governor or commander in chief of the faid colony or province, or to fuch officer or person, by whom such person shall have been summoned or required to serve, or be mustered, be discharged from such perfonal se vice; provided that such person, so desiring to be dis- upon payment charged from such personal service, contribute and pay such sum of the rate atof money as shall be rated and affessed on him in lieu of such sessed; personal service, so as such sum shall be rated, assessed, and levied, and be in such proportion, as is usually rated, assessed, levied, and paid, by other persons residing in the same colony or province, who are by reason of age, sex, or other infirmity un-

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Anno vicefimo secundo Georgii II. c. 30. able to do personal service, and who are possessed of estates of

the same nature as the persons desiring such discharge.

and producing a certificate from tome bithop of the faid church, &cc.

V. And to prevent any doubt which may arise, whether any person, pretending or claiming to be a member of such church or congregation, is actually a member thereof, be it further enacted by the authority aforefaid, That all and every person and persons whatsoever, who shall, as a member or members of such -church or congregation, claim the benefit of this act, or of any matter or thing herein contained, shall, at the time when he or they make such claim, produce a certificate signed by some bishop of the said church, or by the pastor of such church or congregation who shall be nearest to the place where such claim is made; and shall be examined concerning the matters contained in the faid certificate, and the due execution thereof; and fuch person so affirming to the best of his knowledge and belief in manner herein before mentioned, or proving by the testimony of other legal witness, that the said certificate was duly executed by such bishop or pastor, and also affirming, that he is actually a member of the faid church, known by the name of Unitas Fratrum, or United Brethren, shall be adjudged, deemed, and taken to be actually a member of the faid church or congregation, and as such shall be intitled to the benefit of this act.

Penalty of

VI. And be it further enacted, That any person who shall falle affirming. be lawfully convicted of having wilfully, fally, and corruptly affirmed or declared in manner aforesaid, That such certificate was duly executed, or that he is a member of fuch church, when in fact such affirmation is untrue, such person so falsly affirming, and being duly convicted thereof, shall incur the same pains and penalties, as by the law and statutes of this realm are enacted against persons convicted of wilful and corrupt perjury.

The advocate to lay before the commisfioners for trade lifts of the bishops appointed to grant certificates, &cc.

VII. And that it may be known whether fuch bishops and pastors, so signing such certificates be of the church known by the name of Unitas Fratrum, or United Brethren, within the meaning of this act, be it further enacted, That the advocate of the faid church or congregation of the United Brethren for the time being, shall lay, or cause to be laid before The commissioners for trade and plantations, in order that the same may remain in their office, a lift or lifts of all the bishops of the said church of the United Brethren, who are appointed by them to grant certificates as aforesaid, together with their hand-writing, and usual feal; and that, from time to time, the said advocate shall send to the said commissioners for trade and plantations, the names, hand-writing, and feals of any bishops, that shall be hereafter confecrated and appointed by them as aforesaid, and the names of fuch paftors as shall be authorized by the said advocate or bishops to give certificates in any of his Majesty's colonies in America.

Publick act.

VIII. And be it enacted and declared by the authority aforefaid, That this act shall be deemed, adjudged, and taken to be a publick act; and shall be judicially taken notice of as such by

all



1749.] Anno vicesimo secundo GEORGII II. c.31 --33. all judges, justices, and other persons whatsoever, without specially pleading the same.

CAP. XXXI.

An act for opening and making a new road from the east end of New Street in the patish of Saint John Southwark, to and through the several places therein mentioned; and for keeping the said road in repair for the suture.

Certain tolls granted for 21 years.

CAP. XXXII.

An act for enlarging the term and powers granted by an act passed in the eighteenth year of the reign of his present Majesty, for repairing the high road leading from Borough Bridge in the county of York, through Northallerton in the same county, to Crost Bridge on the river Tees; and from thence through Darlington in the county of Durham, to the city of Durham; and for making the same more effectual.

The act 18 Geo. 2. c. 8. continued for 21 years.

### CAP. XXXIII.

An alt for amending, explaining, and reducing into one alt of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea.

HEREAS the several laws relating to the sea service, made at different times, and on different occasions, bave been found by experience not to be so full, so clear, so expedient, or consistent with each other, as they ought to be; for amending and explaining the faid laws, and for reducing them into one uniform act of parliament; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of December, one thousand seven hundred and forty nine, an act passed in the thirteenth year of the reign of King Charles 13 Car. 2. fl. 1. the Second, intituled, An act for establishing articles and orders c. 9. for the regulating and better government of his Majesty's navies, Ships of war, and forces by sea; and also so much of an act passed in the second year of the reign of King William and Queen 2 W. & M. Mary, intituled, An all concerning the commissioners of the admiral- ft. 2. c. 2. f 4. ty; as directs the form of an oath to be taken by every officer present, upon all trials of offenders by courts-martial, to be held by virtue of any commission to be granted by the lord high admiral, or the commissioners for executing the office of lord high admiral; and also so much of an act passed in the sixth year 6 Geo.1. c.19 of the reign of King George the First, intituled, An act for making perpetual so much of an act mide in the tenth year of the reign of Queen Anne, for the reviving and continuing several acts of parliament therein mentioned, as relates to the building and repairing county gaols; and also an act of the eleventh and twelfth years of the reign of King William the Third, fr the more effectual suppression of piracy; and for making more effectual the act of the thirteenth year of the reign of King Charles the Second, intituled, An act for establishing articles and orders for the regulating and better go-Y 3 vernment



Anno vicesimo secundo Georgii II. c. 33. 225 1749.

vernment of his Majesty's navies, ships of war, and forces by fea; as relates to the trial and punishment of persons who shall commit any of the crimes or offences mentioned in the faid articles upon the shore, in any foreign part or parts; and also so

much of an act passed in the eighth year of the reign of King \$ Geo. 1. C. 24. George the First, intituled, An act for the more effectual suppressing of piracy; as directs the punishment to be inflicted by a courtmartial upon any captain, commander, or other officer of any his Majesty's ships or vessels of war, who shall receive on board, or permit to be received on board, any goods or merchandizes whatfoever, in order to trade or merchandize with the fame (except the goods and merchandizes therein excepted) and also an act passed in the eighteenth year of the reign of his present Majesty, intituled, An act for the regulating and better government of bis Majesty's navies, ships of war, and forces by sea; and for regulating the proceedings upon courts-martial in the fea fervice; and also an act passed in the twenty first year of the reign of his present Majesty, intituled, An act for further regulating the proceedings upon courts-martial in the sea service; and for extending the discipline of the navy to the crews of his Majesty's ships wrecked, lost, or taken; and for continuing to them their wages upon certain conditions, shall be, and the same are hereby repealed to all intents and pur-

repealed.

18 Geo. 2.

\$1 Geo. 3.

C. 35.

c. II.

poles whatloever.

II. And for the regulating and better government of his Majefty's navies, ships of war, and forces by sea, whereon, under the good providence of God, the wealth, safety, and strength of this kingdom chiefly depend; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That from and after the twenty fifth day of December, one thousand feven hundred and forty nine, the articles and orders herein after following, as well in time of peace as in time of war, shall be duly observed and put in execution, in manner herein aftermentioned.

Commencement of the articles.

Publick worformed.

- 1. All commanders, captains, and officers, in or belonging to any of bis Thip to be per- Majesty's sbips or vessels of war, shall cause the publick worship of Almighty God, according to the liturgy of the church of England established by law, to be folemnly, orderly, and reverently performed in their respective (bips; and sball take care that prayers and preaching, by the chaplains in boly orders of the respective ships, be performed diligently; and that the Lord's day be observed according to law.
- 2. All flag officers, and all persons in or belonging to bis Majesty's Penalty of prcfane Iwearing, Ships or vessels of war, being guilty of profane oaths, cursings, execrations, drunkenness, uncleanness, or other scandalous actions, in derogation of æç. God's bonour, and corruption of good manners, shall incur such punishment as a court-martial shall think fit to impose, and as the nature and degree of their offence Shall deserve.

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3. If any officer, mariner, soldier, or other person of the fleet, shall give, Penalty of bold, or entertain intelligence to or with any enemy or rebel, without leave holding illegal from the King's majesty, or the lord bigh admiral, or the commissioners corresponfor executing the office of lord bigh admiral, commander in chief, or his dence with an commanding officer, every such person so offending, and being thereof convided by the sentence of a court-martial, shall be punished with death.

4. If any letter or message from any enemy or rebel, be conveyed to any of not acofficer, mariner, or soldier, or other in the fleet, and the said officer, mari- quainting the ner, foldier, or other as aforefaid, shall not, within twelve hours, having superior officer opportunity to to do, acquaint his superior officer, or the officer commanding with any mesopportunity so to do, acquaint bis superior officer, or the officer commanding fage from an in chief, with it; or if any superior officer being acquainted therewith, enemy: Shall not in convenient time reveal the same to the commander in chief of the squadron, every such person so offending, and being convicted thereof by the sentence of the court-martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court-martial shall impose.

5. All spies, and all persons what soever, who shall come, or be found, of spies, and in the nature of spies, to bring or deliver any seducing letters or messages of delivering from any enemy or rebel, or endeavour to corrupt any captain, officer, ma- feducing letriner, or other in the fleet, to betray his trust, being convicted of any such offence by the sentence of the court-martial, shall be punished with death, or such other punishment, as the nature and degree of the offence shall deferve, and the court-martial shall impose.

- 6. No person in the fleet shall relieve an enemy or rebel with money, of relieving an victuals, powder, flot, arms, ammunition, or any other supplies what soever, enemy; directly or indirectly, upon pain of death, or juck other punishment as the court-martial shall think fit to impose, and as the nature and degree of the crime sball deserve.
- 7. All the papers, charter parties, bills of lading, passports, and other of not sending writings what soever, that shall be taken, seized, or found abourd any ship all papers or Sbips which Shall be Surprized or taken as prize, Shall be duly preserved, found abourd and the very originals shall by the commanding officer of the ship which prize thips; Shall take such prize, be sent intirely, and without fraud, to the court of admiralty, or such other court of commissioners, as shall be authorized to determine whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon according to law, upon pain that every person offending berein, Shall forfeit and lose his Share of the capture, and Shall Suffer Such further punishment, as the nature and degree of his offence shall be found to deserve, and the court-martial shall impose.
- 8. No person in or belonging to the fleet shall take out of any prize, or of taking efship seized for prize, any money, plate, or goods, unless it shall be neses- fects out of Sary for the better securing thereof, or for the necessary use and service of any prize beany of his Majesty's ships or vessels of war, before the same he adjudged demned; lawful prize in some admiralty court; but the full and entire account of the whole, without imbezzlement, shall be brought in, and judgement pafsed intirely upon the aubole without fraud, upon pain that every person offending berein shall forfeit and lose bis share of the capture, and suffer such further punishment as shall be imposed by a court-martial, or such court of admiralty, according to the nature and degree of the offence.

9. If

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of stripping, or ill uting perions taken on board a prize:

9. If any ship or vessel shall be taken as prize, none of the officers, mariners, or other persons on board ber, shall be stripped of their cloatbs, or in any fort pillaged, beaten, or evil-intreated, upon pain that the person or persons so offending, shall be liable to such punishment as a court martial shall think fit to inflict.

of not preparing for fight, and encouraging the men in time of action;

10. Every flag officer, captain, and commander in the fleet, who, upon signal or order of fight, or sight of any ship or ships which it may be his duty to engage, or who, upon likelihood of engagement, shall not make the necessary preparations for fight, and shall not in his own person, and according to his place, encourage the inferior officers and men to fight courageously, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem bim to deserve; and if any person in the fleet shall treacherously or cowardly yield or cry for quarter, every person so offending, and being convicted thereof by the sentence of a court-martial, shall suffer death.

of disobeying of action, &c.

II. Every person in the fleet, who shall not duly observe the orders of the orders in time admiral, flag officer, commander of any squadron or division, or other his Superior officer, for assailing, joining battle with, or making defence against any fleet, squadron, or Ship, or Shall not obey the orders of his Superior officer as aforesaid in time of action, to the best of his power, or shall not use all possible endeavours to put the same effectually in execution, every such person so offending, and being convicted thereof by the sentence of the court-martial, Iball Suffer death, or Such other funishment, as from the nature and degree of the offence a court-martial shall deem bim to deserve.

of cowardice or neglect of duty in time of action;

12. Every person in the fleet, who through cowardice, negligence, or disaffection, shall in time of action withdraw or keep back, or not come into the fight or engagement, or shall not do his utmost to take or destroy every ship which it shall be his duty to engage, and to affift and relieve all and every of his Majesty's ships, or those of his allies, which it shall be bis duty to affift and relieve, every such person so offending, and being convisted thereof by the sentence of a court-martial, Shall juffer death.

of not puriuing the enemy, and of not af fifting a friend;

13. Every person in the fleet, who through cowardice, negligence, or disaffection, Shall forbear to pursue the chace of any enemy, pirate, or rebel, beaten or flying; or I'all not relieve or affift a known friend in view to the utmost of his power; being convicted of any such offence by the sentence of a court-martial, Shall Suffer death.

of delaying or discouraging account of wages, &c.

14. If when action, or any service shall be commanded, any person in the fleet shall presume to delay or discourage the said action or service, upthe service, on on pretence of arrears of wages, or upon any pretence what soever, every perfin fo offending, being convicted thereof by the fentence of the court-martial, shall suffer death, or such other punishment, as from the nature and degree of the offence a court-martial shall deem bim to deserve.

of deferting, or running awiv with in's or hoiss;

15. Every person in or belonging to the fleet, who shall desert to the enemy, pirate, or rebel, or run away with any of his Majesty's ships or vellels of war, or any ordnance, ammunition stores, or provision belonging thereto, to the weakening of the service, or yield up the same convardly or treacheroully



# 1749.] Anno vicefimo secundo GEORGII II. C. 33. treacherously to the enemy, pirate, or rebel, being convicted of any such of

treacherously to the enemy, pirate, or rebel, being convicted of any such of fence by the sentence of the court-martial, shall suffer death.

- others so to do, shall suffer death, or such other punishment as the circum- or inticing stances of the offence shall deserve, and a court-martial shall judge sit: others; and if any commanding officer of any of his Majesty's ships or vessels of war shall receive or entertain a deserter from any other of his Majesty's ships or vessels, after discovering him to be such deserter, and shall not with all convenient speed give notice to the captain of the ship or vessel to which such deserter belongs; or if the said ships or vessels are at any considerable distance from each other, to the secretary of the admiralty, or to the commander in chief; every person so offending, and being convicted thereof by the sentence of the court-martial, shall be cashiered.
- 17. The officers and seamen of all ships appointed for convoy and guard of not taking of merchant ships, or of any other, shall diligently attend upon that charge, care of ships without delay, according to their instructions in that behalf; and audoso-under convoy; ever shall be faulty therein, and shall not faithfully perform their duty, and defend the ships and goods in their convoy, without either diverting to other parts or occasions, or resusing or neglecting to sight in their defence, if they be assaided, or running away cowardly, and submitting the ships in their convoy to peril and bazard; or shall demand or exact any money or other reward from any merchant or master for convoying of any ships or vessels intrusted to their care, or shall missife the masters or mariners thereof; shall be condemned to make reparation of the damage to the merchants, owners, and others, as the court of admiralty shall adjudge, and also be punished criminally according to the quality of their offences, be it by pains of death, or other punishment, according as shall be adjudged fit by the court martial.
- 18. If any captain, commander, or other officer of any of his Majesty's of taking ships or vessels, shall receive on hoard, or permit to be received on hoard goods on such ship or vessel, any goods or merchandizes whatsoever, other than for the sole use of the ship or vessel, except gold, silver, or jewels, and except than gold, the goods and merchandizes belonging to any merchant, or other ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked, either on the high seas, or in any port, creek, or harbour, in order to the preserving them for their proper owners, and except such goods or merchandizes as he shall at any time be ordered to take or receive on hoard by order of the lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral for the time being; every person so offending, being convicted thereof by the sentence of the court-martial, shall be cashiered, and he for ever afterwards rendered incapable to serve in any place or office in the naval service of his Majesty, his heirs and successors.
- 19. If any person in or belonging to the fleet shall make or endeavour of mutinous to make any mutinous a sembly upon any pretence subatsoever, every per-assemblies, son offending berein, and being convicted thereof by the sentence of the court-martial, shall suffer death: and if any person in or belonging to the or uttering seflect shall utter any words of sedition or mutiny, be shall suffer death, or ditious words; such other punishment as a court-martial shall deem him to deserve: and if any officer, mariner, or soldier in or belonging to the fleet, shall behave himself

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bimself with contempt to bis superior officer, such superior officer, being in the execution of his office, he shall be punished according to the nature of bis offence by the judgment of a court-martial.

of concealing mutinous practice,

or words;

20. If any person in the fleet shall conceal any traiterous or mutinous practice or design, being convicted thereof by the sentence of a court-martial. be sball suffer death, or such other punishment as a court-martial Shall think fit; and if any person, in or belonging to the fleet, Shall conceal any traiterous or mutinous words spoken by any, to the prejudice of his Majesty or government, or any words, practice, or design, tending to the bindrance of the service, and shall not forthwith reveal the same to the commanding officer, or being present at any mutiny or sedition, shall not use bis utmost endeavours to suppress the same, be shall be punished as a court-martial shall think be deserves.

of endeavouring to ftir up diffurbance, on account of unwholfome-&c.

21. If any person in the fleet shall find cause of complaint of the unwholesomeness of the victual, or upon other just ground, be shall quietly make the same known to his superior, or captain, or commander in chief, as the occasion may deserve, that such present remedy may be had as the ness of victual, matter may require; and the Said Superior, captain, or commander in chief, shall, as far as be is able, cause the same to be presently remedied; and no person in the fleet, upon any such or other pretence, shall attempt to stir up any diffurbance, upon pain of such punishment, as a court-martial shall think fit to inflict, according to the degree of the offence.

of striking, officer,

his lawful commands;

22. If any officer, mariner, soldier, or other person in the fleet, shall Sec a superior strike any of his superior officers, or draw, or offer to draw, or lift up any weapon against bim, being in the execution of his office, on any pretence what sever, every such person being convicted of any such offence, by the or disobeying Sentence of a court-martial, Shall Suffer death; and if any officer, mariner, foldier, or other person in the fleet, Shall presume to quarrel with any of his Superior officers, being in the execution of his office, or shall disobey any lawful command of any of bis superior officers; every such person being convicted of any such offence, by the sentence of a court-martial, shall suffer death, or fuch other punishment, as shall, according to the nature and degree of his offence, be inflitted upon him by the sentence of a court-martial.

of quarreiling &c or using reproachful speech;

23. If any person in the fleet shall quarrel or fight with any other person in the fleet, or use reproachful or provoking speeches or gestures, tending to make any quarrel or disturbance, be shall, upon being convicted thereof, suffer such punishment as the offence shall deserve, and a court-martial shall impofe.

of wasting

24. There shall be no wasteful expence of any powder, shot, ammunition, or other stores in the fleet, nor any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment to be inflicted upon the offenders, abettors, buyers, and receivers (being persons subject to naval discipline) as shall be by a court-martial found just in that be balf.

of burning

25. Every person in the fleet, who shall unlawfully burn or set fire to any any magazine magazine or store of powder, or fbip, boat, ketch, boy, or vellel, or tackle or veilel, &c. or furniture thereunto belonging, not then appertaining to an enemy, pirate,

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or rebel, being convicted of any such offence, by the sentence of a court-mar- not belongin tial, Shall Suffer death. to an enemy;

- 26. Care shall be taken in the conducting and steering of any of his Ma- of neglect in jesty's sbips, that through wilfulness, negligence, or other defaults, no ship be conducting Stranded, or run upon any rocks or Sands, or Split or bazarded, upon poin, and fleering; that such as shall be found guilty therein, be punished by death, or such other punishment, as the offence by a court-martial shall be judged to delerve.
- 27. No person in or belonging to the fleet shall sleep upon his watch, or of sleeping on negligently perform the duty imposed on bim, or forsake bis station, upon pain watch, &c. of death, or such other punishment as a court-martial shall think fit to impose, and as the circumstances of the case shall require.
- 28. All murders committed by any person in the fleet, shall be punished of murder, with death by the sentence of a court-martial.
- 29. If any person in the fleet shall commit the unnatural and detestable buggery, fin of buggery or sodomy with man or beast, be shall be punished with death by the sentence of a court-martial.
- 30. All robbery committed by any person in the fleet, shall be punished with robbery, death, or otherwise, as a court-martial, upon consideration of circumstances, Shall find meet.
- 31. Every officer or other person in the fleet, who shall knowingly make false musters, or fign a false muster or muster-book, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or figning thereof, shall, upon proof of any such offence being made before a court-martial, be cashiered, and rendered incapable of further employment in his Majesty's naval service.
- 32. No provost-martial belonging to the fleet shall refuse to apprehend not appreany criminal, whom be shall be authorized by legal warrant to apprehend, foners and or to receive or keep any prisoner committed to bis charge, or wilfully suffer permitting efbim to escape, being once in bis custody, or dismiss bim without lawful order, capes; upon pain of such punishment as a court-martial shall deem him to deserve; and all captains, officers, and others in the fleet, shall do their endeavour to detect, apprehend, and bring to punishment all offenders, and shall affift the officers appointed for that purpose therein, upon pain of being proceeded against, and punished by a court-martial, according to the nature and degree of the offence.

33. If any flag officer, captain, or commander, or lieutenant belonging scandalous, to the fleet, shall be convicted before a court-martial of behaving in a scan-oppressive, or dalous, infamous, cruel, oppressive, or fraudulent manner, unbecoming haviour of the character of an officer, be shall be dismissed from his Majesty's service. officers;

34. Every person being in actual service and full pay, and part of the mutiny, decrew in or belonging to any of his Majesty's sbips or vellels of war, who fertion, or Spall be guilty of mutiny, desertion, or disobedience to any lawful com- disobedience mand, in any part if his Majesty's dominions on shore, when in altual ser- on shore; vice relative to the fleet, shall be liable to be tried by a court-martial, and

Juffer

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> Juffer the like punishment for every such offence, as if the same had been committed at sea on board any of his Majesty's ships or vessels of war.

committing on thore any of the crimes punishable by thele articles.

35. If any person who shall be in the actual service and full pay of his Majesty's ships and vessels of war, shall commit upon the shore, in any place or places out of bis Majesty's dominions, any of the crimes punishable by these articles and orders, the person so offending shall be liable to be tried and punished for the same, in like manner, to all intents and purposes, as if the said crimes had been committed at sea, on board any of his Majesty's ships or veffels of war.

Other crimes not capital, &c. to be puing to the cuftoin of the mavy. No imprisonment to be longer than two years.

36. All other crimes not capital committed by any person or persons in the fleet, which are not mentioned in this act, or for which no punishment is bereby directed to be inflicted, shall be punished according to the laws and nished accord- customs in such cases used at sea.

> III. Provided always, That no person convicted of any offence shall, by the sentence of any court-martial to be held by virtue of this act, be adjudged to be imprisoned for a longer term than the space of two years.

Court martial not to try any offences,

except those specified in the 5, 34, 35, articles, which thall not be committed risdiction of

the admiralty.

IV. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any of the offences specified in the several articles contained in this act, or of any offence whatfoever (other than the offences specified in the fifth, thirty fourth, and thirty fifth of the foregoing articles and orders) which shall not be committed upon the main sea, or in great rivers only, beneath the bridges of the said rivers nigh to the sea, or in any haven, within the ju- river, or creek within the jurisdiction of the admiralty, and which shall not be committed by such persons as at the time of the offence committed shall be in actual service and full pay in the fleet or ships of war of his Majesty, his heirs or successors, fuch persons only excepted, and for such offences only, as are described in the fifth of the foregoing articles and orders.

V. Provided also, That nothing in this act contained shall extend, or be construed to extend, to impower any court-martial to be constituted by virtue of this act, to proceed to the punishment or trial of any land officer or foldier on board any transport ship, for any of the offences specified in the several articles

contained in this act.

No foldier on board any transport to be tried by a naval courtmartial.

The admiralty impowered to grant commissions for holding courts-martial.

VI. And it is hereby further enacted, That from and after the twenty fifth day of December, one thousand seven hundred. and forty nine, the lord high admiral of Great Britain or the commissioners for executing the office of lord high admiral of Great Britain for the time being, shall have full power and authority to grant commissions to any officer commanding in chief any fleet or squadron of ships of war, to call and assemble courtscommander in martial, confisting of commanders and captains; and that in case any officer commanding in chief any fleet or squadron of ships of war, (who shall be authorized by the lord high admi-

chief, dying, &c. the next

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ral, or the commissioners for executing the office of lord high in command admiral for the time being, to call and affemble courts-martial to hold ed from his command then the officer upon when the courts mared from his command, then the officer upon whom the command of the faid fleet or fquadron thall devolve, and fo, from time to time, the officer who thall have the command of the fleet or squadron, shall have the same power to call and assemble courts-martial, as the first commander in chief of the said fleet or fquadron was invested with.

VII. Provided always, and it is hereby enacted and declared, Officer next in That no commander in chief of any fleet or squadron of his command Majesty's ships, or detachment thereof, confisting of more than where there five ships, shall preside at any court-martial in foreign parts, but are 5 ships, to that the officer next in command to such officer commanding courts-marin chief, thall hold fuch court-martial, and prefide thereat; any tial in foreign

law, custom, or usage to the contrary notwithstanding.

VIII. And it is hereby further enacted, That from and after Commanders the twenty fifth day of December, one thousand seven hundred in chief to and forty nine, in case any commander in chief in any fleet or impower the fquadron of his Majesty's ships or vessels of war in foreign parts, commanders thall detach any part of such fleet or squadron every command of a squadron shall detach any part of such fleet or squadron, every comman- on separate der in chief shall, and he is hereby authorized and required, by fervice to writing under his hand, to impower the chief commander of the hold courtsfquadron or detachment to ordered on fuch separate service (and martial. in case of his death or removal, the officer to whom the command of fuch separate squadron or detachment shall belong) to hold courts-martial, during the time of fuch separate service, or until the commander of the said detachment for the time being shall return to his commander in chief, or shall come under the command of any other his superior officer, or return to Great Britain or Ireland.

IX. Provided always, and it is hereby further enacted, That If five or more if any five or more of his Majesty's thips or veriels of war, shall thips meet in happen to meet together in foreign parts, then and in such case, foreign parts it shall be lawful for the senior officer of the said ships or vessels ficer to hold to hold courts martial, and prefide thereat, from time to time, courts-martial as there shall be occasion, during so long time as the said ships or vessels of war, or any five or more of them, shall continue

together.

X. Provided nevertheless, and be it also enacted, That where Where the any material objection occurs, which may render it improper third officer for the person who is next in command to the senior officer or to preside. commander in chief of any fleet or squadron of his Majesty's ships of war in foreign parts to hold courts-martial, or preside thereat, in such case it shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral for the time being, as also the commander in chief of any such fleet or squadron of his Mojesty's thips in foreign parts, respectively to appoint the third officer in command to prefide at, or hold fuch court-martial.

XI. And it is hereby further enacted, That fro n and after

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to appoint officers in the Britain, &c. martial.

The admiral- the twenty fifth day of December, one thousand seven hundred ty impowered and forty nine, it thall be lawful for the lord high admiral of Great Britain, or the commissioners for executing the office of ports of Great lord high admiral for the time being, and they are hereby refpectively authorized, from time to time, as there shall be occato hold courts- sion, to direct any flag officer, or captain of any of his Majesty's thips of war, who thall be in any port of Great Britain or Ireland, to hold courts-martial in any such port, provided such flag officer or captain be the first, second, or third in command of fuch port, as shall be found most expedient, and for the good of his Majetty's service; and such flag officer or captain, to directed to hold courts-martial, shall preside at such court-martial; any thing herein contained to the contrary notwithstanding.

not to confilt of more than 13, nor less

XII. And it is hereby further enacted, That from and after Court-martial the twenty fifth day of December, one thousand seven hundred and forty nine, no court-martial, to be held or appointed by virtue of this present act, shall consist of more than thirteen, or than 5 officers. of less than five persons, to be composed of such flag officers, captains, or commanders then and there present, as are next in feniority to the officer who presides at the court-martial.

The officer not to direct number.

XIII. Provided always, and be it enacted by the authority aforesaid, That nothing herein contained shall extend, or be the particular construed to extend, to authorize or impower the lord high admiral, or the commissioners for executing the office of lord high admiral, or any officer impowered to order or hold courts-martial, to direct or ascertain the particular number of persons of which any court-martial, to be held or appointed by virtue of this present act, shall consist.

Where there are 3 post prefident to call in commanders under that rank.

XIV. Provided always, and it is hereby enacted and declared, That in case any court-martial shall, by virtue of this act, captains, the be appointed to be held at any place where there are not less than three, nor yet so many as five officers of the degree and denomination of a post captain, or of a superior rank to be found, then it shall be lawful for the officer, at the place appointed for holding such court-martial, who is to preside at the same, to call to his affiftance as many of the commanders of his Majesty's vesfels, under the rank and degree of a post captain, as, together with the post captains then and there present, will make up the number of five, to hold fuch court-martial.

Penalty if a court go on

XV. And it is hereby further enacted, That from and after member of the the twenty fifth day of December, one thousand seven hundred and forty nine, no member of any court-martial, after the trial trial is begun, is begun, shall go on shore till sentence be given, but remain on board the ship in which the court shall first assemble, except in case of sickness, to be judged of by the court, upon pain of being comiered from his Majesty's service; nor shall the proceedings of the laid court be delayed by the abience of any of its members, provided a sufficient number doth remain to compose the find court, which shall and is hereby required to sit from day to day (Sur in always excepted) until the fentence be given.

Proceedings not to be delayed.

XVI. And

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XVI. And it is hereby further enacted, That from and after Officers comthe twenty fifth day of December, one thousand seven hundred poling a and forty nine, upon all trials of offenders by any court-martial, court martial all the officers present who are to constitute the said court-martial, shall, before they proceed to such trial, take such oath as is herein after-mentioned, upon the holy evangelists, before the court; which oath the judge advocate, or his deputy, or the person appointed to officiate as such, is hereby authorized and required to administer in the words following (that is to say)

A. B. do fwear, That I will duly administer justice, according to The oath. the articles and orders established by an act passed in the twenty second year of the reign of his majesty King George the Second, for amending, explaining, and reducing into one act of parliament, the laws relating to the government of his Majesty's ships, vessels, and forces by sea, without partiality, favour, or affection; and if any case shall arise, which is not particularly mentioned in the said articles and orders, I will duly administer justice according to my conscience, the best of my understanding, and the custom of the navy in the like cases; and I do further swear, That I will not upon any account, at any time what soever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.

So help me God.

And so soon as the said oath shall have been administered to the respective members, the president of the court is hereby autho- Judge advorized and required to administer to the judge advocate, or the sworn. person officiating as such, an oath in the following words:

T A. B. do swear, That I will not upon any account at any time L what soever, disclose or discover the vote or opinion of any particular member of this court-martial, unless thereunto required by act of parliament.

So help me God.

XVII. And it is hereby further enacted, That from and af- Penalty of reter the twenty fifth day of December, one thousand seven hun- fusing to give dred and forty nine, in case any person in the fleet, being call- evidence, or prevaricating, ed upon to give evidence at any court-martial, shall refuse to and of congive his evidence upon oath, or shall prevaricate in his evidence, tempt to the or behave with contempt to the court, it shall and may be law- court; ful for such court-martial to punish every such offender by imprisonment, at the discretion of the court, such imprisonment not to continue longer than three months, in case of such refufal or prevarication, nor longer than one month in the case of fuch contempt; and that all and every person and persons who shall commit any wilful perjury, in any evidence or examination of perjury, or upon oath at any fuch court-martial, or who shall corruptly pro- subornation. cure or suborn any person to commit such wilful perjury, shall

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and may be profecuted in his Majesty's court of King's Bench, by indictment or information; and every iffue joined in any fuch indictment or information shall be tried by good and lawful men of the county of Middlesex, or such other county as the faid court of King's Bench shall direct; and all and every person and persons, being lawfully convicted upon any such indictment or information shall be punished with such pains and penalties, as are inflicted for the like offences respectively by two acts of parliament, the one made in the fifth year of the reign of Queen Elizabeth, intituled, An all for punishment of such persons as shall \*Goo: s. s. s. procure or commit any wilful perjury; and the other made in the fecond year of the reign of his present Majesty, intituled, An all for the more effectual preventing and further punishment of for-

g Kliz. C. 9.

The offence only to be fet forth in in-

Report to be made to the admiralty, &c. before sentence of in cales of mutiny.

steal bonds, notes, or other securities for payment of money. XVIII. And be it further enacted by the authority aforefaid, That in every information or indictment to be profecuted by formation, &c. virtue of this act for any such offence, it shall be sufficient to fet forth the offence charged upon the defendant, without fetting forth the commission or authority for holding the court-martial, and without fetting forth the particular matter tried or to be tried, or directed or intended to be tried before fuch court.

gery, perjury, and subornation of perjury; and to make it felony to

XIX. And it is hereby further enacted, That from and after-the twenty fifth day of December, one thousand seven hundred and forty nine, no sentence of death given by any courtdeath, except martial held within the narrow seas (except in cases of mutiny) shall be put in execution till after the report of the proceedings of the faid court shall have been made to the lord high admiral, or the commissioners for executing the office of lord high admiral, and his or their directions shall have been given therein; and if the faid court shall have been held beyond the narrow feas, then such sentence of death shall not be carried into execution but by order of the commander of the fleet or fquadron wherein sentence was passed; and in cases where sentence of death shall be passed in any squadron, detached from any other fleet or fquadron upon a feparate service, then fuch sentence of death (except in cases of mutiny) shall not be put in execution, but by order of the commander of the fleet or squadron from which such detachment shall have been made, or of the lord high admiral, or commissioners for executing the office of lord high admiral; and in cases where sentence of death shall be passed in any court-martial field by the fenior officer of five or more of his Majesty's ships, which shall happen to meet together in foreign parts pursuant to the power herein before given, then fuch sentence of death (except in cases of mutiny) thall not be carried into execution but by order of the lord high admiral, or commissioners for executing the office of lord high admiral.

XX. And be it further enacted and declared, That from and after the twenty fifth day of December, one thousand seven hun-

#### Anno vicesimo secundo Georgii II. c. 33 1749.

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hundred and forty nine, the judge advocate of any fleet for the Judge advotime being, or his deputy, shall have full power and authority, cate to admiand is hereby required to administer an oath to any witness at witnesses. any trial by court-martial; and in the absence of the judge advocate and his deputy, the court-martial shall have full power and authority to appoint any person to execute the office of judge advocate.

XXI. And be it further enacted by the authority aforesaid, Articles to be That from and after the twenty fifth day of December, one thou- respect to fand seven hundred and forty nine, all the powers given by the crews of ships feveral articles and orders established by this act, shall remain lost or destroyand be in full force with respect to the crews of such of his Ma-ed. jesty's ships as shall be wrecked, or be otherwise lost or destroyed; and all the command, power, and authority given to the officers of the faid ship or thips, shall remain and be in full force as effectually as if such ship or ships to which they did belong were not so wrecked, lost, or destroyed, until they shall be regularly discharged from his Majetty's further service, or removed into some other of his Majesty's ships of war, or until a courtmartial shall be held, pursuant to the custom of the navy in such cases, to enquire into the causes of the loss of the said ship or ships: The pay of and if upon fuch enquiry it shall appear by the sentence of the such thips recourt-martial that all, or any of the officers or seamen of the said served ship or ships did their utmost to preserve, get off, or recover the said ship or ships, and since the loss thereof have behaved themselves obediently to their superior officers, according to the discipline of the navy and the faid articles and orders herein before eftablished, then all the pay and wages of the said officers and seamen, or of such of them as shall have done their duty as aforefaid, shall continue and go on, and be paid to the time of their discharge or death; or if they shall be then alive, to the time of the holding of such court-martial, or removal into some other of his Majesty's ships of war, and every such officer and seaman of any of his Majesty's ships of war, who after the wreck or loss of his ship, shall act contrary to the discipline of the navy, and the feveral articles and orders herein before established, or any of them, shall be sentenced by the said court-martial, and punished as if the ship to which he did belong was not so wrecked, loft, or destroyed.

XXII. And be it further enacted, That from and after the Thepay of the faid twenty fifth day of December, one thousand seven hundred officers and and forty nine, all the pay and wages of such officers and sea- men taken by men of any of his Majesty's ships as are taken by the enemy, who have beand upon enquiry at a court-martial shall appear by the sentence haved well, of the faid court to have done their utmost to defend the said reserved. ship or ships, and fince the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders herein before established, shall continue and go on, and be paid, from the fime of their being so taken, to the time of the holding of fuch court-martial, or until they shall be regularly discharged from his Majesty's service, or removed into some other of his VOL. XIX.



Anno vicesimo secundo Georgii II. c.33. [1749.

Majesty's ships of war, or (if they shall die in captivity, or not live to the time of the holding of such court-martial) to the time of their death, in such manner, and not otherwise, as if the said ship or ships to which they did belong respectively, was not, or were not so taken.

No person not flying from justice, to be tried, unless complaint in writing be made to the admiralty, &c.

or a court be ordered within three years, or within one year after the return of the ship or offender.

XXIII. Provided always, and be it further enacted, That no person or persons not slying from justice, shall be tried or punished by any court-martial for any offence to be committed against this act, unless the complaint of such offence be made in writing to the lord high admiral, or to the commissioners for executing the office of lord high admiral for the time being, or any commander in chief of his Majesty's squadrons or thips impowered to hold courts-martial, or unless a court-martial to try such offender shall be ordered by the said lord high admiral, or the said commissioners, or the said commander in chief, either within three years after such offence shall be committed, or within one year after the return of the ship, or of the squadron, to which such offender shall belong, into any of the ports of Great Britain or Ireland; or within one year after the return of such offender into Great Britain or Ireland.

XXIV. And whereas by the faid act, intituled, An act for the more effectual suppressing of piracy; it is amongst other things enafted in the following words, That the faid captain, commander, or other officer of the faid ship or vellel of war, and all and every the owners and proprietors of such goods and merchandizes, put on board such ship or vessel of war as aforesaid, shall lese, forfeit, and pay the value of all and every such goods and merchandizes so put on board as aforesaid; one moiety of such full value to such person or persons as shall make the first discovery, and give information of or concerning the faid offence; the other moiety of fuch full value, to and for the use of Greenwich Hospital; all which forfeitures shall and may be fued for and recovered in the high court of admiralty: now for making the said in part recited act more useful and effectual, be it enacted by the authority aforesaid, That from and after the twenty fifth day of December, one thousand seven hundred and forty nine, if any captain, commander, or other officer of any of his Majesty's thips or vessels, thall receive on board, or permit, or suffer to be received on board such ship or vessel, any goods or merchandizes, contrary to the true intent and meaning of the eighteenth article in this act before-mentioned and hereby enacted, every fuch captain, commander, or other officer shall, for every such offence, over and above any punithment inflicted by this act, forfeit and pay the value of all and every fuch goods and merchandizes fo received or permitted, or suffered to be received on hoard as aforesaid, or the sum of five hundred pounds of lawful money of Great Britain, at the election of the informer, or person who shall sue for the same, so that no more than one of these penalties or forfeitures shall be fued for and recovered by virtue of this and the faid in part recited act, or either of them, against the same person, for one and the same offence; one moiety of which penalties or forfei-

Penalty on officers receiv ing on board goods.

Anno vicesimo secundo GEORGII II. C. 34,35. 8749-

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tures shall be forfeited and paid to the person who shall inform Application of or fue for the same, and the other moiety thereof, to and for the forfeiture. the use of the royal hospital at Greenwich; which forfeiture shall be fued for, and recovered by action of debt, bill, plaint, or in- Method of formation, in any of his Majesty's courts of record at Westmin- recovery. fter, or in the high court of admiralty, at the election of the informer, or person who shall sue for the same; and the court shall award such costs to the parties, as shall be just; and in all cases where judgement or sentence shall be given against any fuch oftender, the court where such judgement or sentence shall The court to be given, shall, with all convenient speed, certify the same to certify to the the lord high admiral, or to the commissioners for executing the judgement. faid office.

XXV. Provided always, That nothing in this act contained, Limitation of shall extend, or be construed to extend to take away from the the powers of this act. lord high admiral of Great Britain, or the commissioners for executing the office of lord high admiral of Great Britain, or any wice admiral, or any judge or judges of the admiralty, or his or their deputy or deputies, or any other officers or ministers of the admiralty, or any others having or claiming any admiral power jurisdiction, or authority within this realm, or any other the King's dominions, or from any person or court whatsoever, any power, right, jurisdiction, pre-eminence, or authority,

which he or they, or any of them, lawfully hath, have, or had,

or ought to have and enjoy, before the making of this act, so as the same person shall not be punished twice for the same of-

fence.

XXVI. Provided nevertheless, and be it enacted, That the Repeal of the repeal of the faid before recited statutes, or any part thereof, or recited statutes not to any thing herein contained, shall not extend, or be deemed to avoid profecuextend to discharge or avoid, or prevent any prosecution or suit tions for ofcommenced, or at any time hereafter to be commenced against fences comany person or persons, for any offence committed on or before mitted on or the faid twenty fifth day of December, one thousand seven hun- 1749. dred and forty nine, or to be committed against the said statutes, or any part or parts thereof, but that all persons who have been or shall, before the said twenty fifth day of December, be guilty of any fuch offence, shall and may be prosecuted, sued, condemned, and punished for the same, as well after as before the faid twenty fifth day of December, as if the said statutes had not been repealed.

before 25 Dec.

### CAP. XXXIV.

An act for enlarging the term and powers granted by an act made in the third year of the reign of his present Majesty, intituled, An act for making a new road, and for repairing and amending the ancient road between the towns of Wisbech and March, in the isle of Ely and county of Cambridge.

The act 3 Geo 2. C. 24. continued for 21 years.

### CAP. XXXV.

An act for repairing and widening the road leading from the town of Kingston upon Thames, in the county of Surry, to a place called Sheetbridge,



34c Anno vicesimo secundo Georgii II. c. 36. [1749:

bridge, near Petersfield, in the county of Southampton; and also the road from Hindhead Heath, through Fernhurst Lane and Midhurst, to the city of Chichester, in the county of Sussex.

Certain tolls granted for 21 years.

# CAP. XXXVI.

An act for the more effectual preventing the importation and wear of foreign embroidery and brocade, and of gold and filver thread, lace, or other work made of gold or filver wire manufactured in foreign parts.

WHEREAS great quantities of foreign embroidery, gold and filver thread, lace, fringe, and brocade, continue to be daily brought into, and fold within this kingdom, and great sums of money are daily exported out of this kingdom for the buying and fetching in of those commodities, the importation whereof is contrary to several acts of parliament made for prohibiting the same: for redress whereof, be it enacted by the King's most excellent Majesty, by and with theadvice and confent of the lords spiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the same, That from and after the first day of July, one thousand feven hundred and forty nine, no foreign embroidery, or gold, or filver brocade, shall be imported or brought into Great Britain, upon pain of being forfeited and burnt, and upon the further penalty of one hundred pounds of lawful money of Great Britain, to be paid by the importer thereof for each piece or parcel to imported.

Penalty on importing foreign embraidery, or gold or filver brocade.

Venders or makers up of foreign embroidery, &c. to forfeit 1001and the garment to be burnt.

II. And be it further enacted by the authority aforesaid, That from and after the said first day of July, one thousand seven hundred and forty nine, no mercer, laceman, haberdasher, upholder, milliner, taylor, or other person or persons whatsoever, shall vend, utter, fell, or expose to sale, or exchange, barter, truck, or otherwise dispose of, any foreign embroidery, gold, or silver thread, lace, fringe, brocade, or any other work made thereof, or of gold or filver wire, or plate, wove, wrought, fabricated, or manufactured in foreign parts, or few, work, or make up the fame, for, in, or upon any garment or wearing apparel whatfoever, upon pain that all and every fuch foreign embroidery, gold or filver thread, lace, fringe, brocade, or other work made thereof, or of gold or filver wire, or plate, fo fold or exposed to sale, exchanged, bartered, trucked, or disposed of, or sewed, worked, or made up, for, in, or upon any garment or wearing apparel, and the garment, wearing apparel, or other materials, in, with, or upon which the same shall be so sewed, wrought, or made up, shall be forfeited and burnt; and all and every person or persons who shall vend, utter, sell, or expose to sale, exchange, barter, truck, or dispose of, or knowingly sew, work, or make up, or cause or procure to be worked or made up, for, in, or upon any garment or wearing apparel, any such foreign embroidery, gold or filver thread, lace, fringe, brocade, or other work, wove, wrought, fabricated, or manufactured in foreign

parts

#### Anno vicefimo secundo Georgii II. C. 36. F749.]

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Parts, shall, for every such offence, forseit the sum of one hun-

dred pounds of lawful money of Great Britain.

III. And be it further enacted by the authority aforesaid, Foreign em-That all foreign embroidery and gold or filver thread, lace, broidery, &c. fringe, brocade, or other work made thereof, or of gold or fil- feized after 1 ver wire or plate, wove, wrought, fabricated, or manufactured July, 1749, to in foreign parts, which, after the faid first day of July, one be burnt, thousand seven hundred and forty nine, shall be seized within this kingdom, whether the same shall be mixed with, sewed on, or made up, together with any other goods or materials, or otherwife, and the apparel, garment or other materials, in, with, or upon which the same shall be mixed, sewed, or made up, shall be forfeited, and after condemnation shall be burnt; and the mercer, and the dealer, laceman, haberdasher, upholder, milliner, taylor, or other deal- &c. to forfeit er in, or vender or maker up of, any of the said manufactures, 100 l. in whose house, warehouse, custody, or possession the same shall be fo found and feized, being thereof convicted, shall, for each piece or parcel of fuch foreign embroidery, gold or filver thread, lace, fringe, brocade, or other work made thereof, or of gold or filver wire or plate, that shall be seized and found in his, her, or their house, shop, warehouse, custody, or possession as aforefaid, and which shall have been brought, placed, or continued there, with his, her, or their knowledge, privity, or consent, forfeit the sum of one hundred pounds of lawful money of Great Britain.

IV. And be it further enacted by the authority aforesaid, That The embroiall foreign embroidery, gold or filver thread, lace, fringe, bro-dery, &c. with cade, or other work made thereof, or of gold or filver wire or the garments, plate seized by virtue of this or any other act, shall, after con- to be burnt. demnation, be together with the garment, wearing apparel, or other materials, in, with, or upon which the same shall be mixed, fewed, wrought, or made up, publickly burnt at fuch places as the commissioners of his Majesty's customs in England ot Scotland respectively shall direct.

V. And be it further enacted by the authority aforesaid, That Prosecution of the feveral penalties and forfeitures in this act mentioned, shall penalties, and may be profecuted and determined by bill, plaint, or infor- and applicamation in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland respectively, wherein no

effoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed; and one moiety of the said penalties and forfeitures shall be to the use of the King's majesty, and the other moiety to fuch person or persons as will sue for or

VI. And be it further enacted by the authority aforefaid, That The proof to if any question or doubt shall arise, where the said goods were lie upon the manufactured, the proof shall lie upon the owner or claimer of claimer. fuch goods, or the person prosecuted for being guilty of an offence against this act, and not upon the prosecutor; any law. ufage, or custom to the contrary notwithstanding.

VII. Provided always, That nothing in this act contained The wearer to finall incur no penalty.



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> shall extend, or be construed to extend, to inflict any penalty on the wearer of any foreign embroidery, gold or filver thread, lace, fringe, brocade, or other work made thereof, or of gold or filver wire or plate; any thing herein contained to the contrary

thereof in any wife notwithstanding.

Limitation of actions.

VIII. Provided always, and it is hereby enacted and declared, That all informations, bills, actions, and fuits, that shall be had, brought, commenced, fued, or exhibited for any forfeiture or offence committed against this or any of the former acts of parliament, which prohibit the importation or fale of foreign embroidery, gold or filver thread, lace, fringe, brocade, or other work made thereof, or of gold or filver wire or plate, or any of them, shall and may be had, brought, commenced, sued, and exhibited within twelve calendar months after the discovery of fuch offence, and in case of seizure, within three months after fuch seizure shall be made; any former act or law to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued or prosecuted for what either he or they shall do in the execution of this act, he or they General issue may plead the general issue, and give this act, and the special matter in evidence; and if the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions; or if a verdict shall pass against him, her, or them, the defendant or defendants shall recover treble costs, for which they shall have the like remedy, as in other cases where costs are allowed to

defendants.

CAP. XXXVII.

An act for the better securing his Majesty's duties arising upon coal, culm, and cinders, exported beyond sea.

WHEREAS by the laws now in force, the masters of all ships and vessels used and employed in carrying coals, culm, and cinders coastwise, from port to port within the kingdom of Great Britain, do at the several and respective ports, where and at the time when coa's, culm, and cinders are shipped or laden on board their ships or vellels, enter into bond to his Majefly with security for the delivery of their respective ladings of coals, culm, and cinders in some other port or creek in Great Britain : and whereas many of the Said masters of ships and vessels so laden with coals, culm, or cinders, to be carried coastwife, do, under pretence of being forced by contrary winds and Arcis of weather, carry and convey, and dispose of their faid latings of coals, culm, and cinders in foreign parts beyond the seas, without having first paid the customs and overse duties due to his Majesty for the same upon the exportation thereof, and which they ought to have paid at the port where their cargoes of coals, culm, or cinders were laden, before the departure out of the faid port; which practice tends to the promoting and encouraging of fraud, and is a great prejudice to the publick revenue: therefore, for the preventing such fraudulent practices, and the consequences thereof for the future, be it enacted by the King's most excellent majesty, by and

Treble cofts.



### Anno vicefimo secundo GRORGII II. C.37. 3749-

with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth No officer to day of June, in the year of our Lord one thousand seven hun-clear outwards dred and forty nine, it shall not be lawful for any collector, wherein coals comptroller, customer, surveyor, searcher, waiter, or other of- were exportficer or officers of the customs whatsoever, or their deputy or ed, deputies, in any port, harbour, haven, creek, or other place whatfoever within the kingdom of Great Britain, to clear outwards any ship or vessel whatsoever wherein coals, culm, or cinders shall have been exported and carried from any port or place whatsoever in Great Britain, to any port or place whatsoever in parts beyond the seas, nor to sign, issue forth, or grant any warrant, cocquet, lett-pais, transire, sufferance, return, discharge, or other dispatch or dispatches, of any nature or kind whatsoever, for the clearing outwards, either for a coasting or a foreign voyage, any such ship or vessel wherein coals, culm, or cinders shall have been laden in Great Britain, and delivered in foreign parts, or for the loading or laying on board thereon, any goods or merchandize whatfoever, nor to permit or fuffer any fuch thip or vessel to go out of any port, harbour, haven, creek, or other place whatsoever in Great Britain, until the master, com-until the cumander, or other person or persons taking charge or care of any stoms due for fuch ship or vessel, or the owner or owners thereof, or some or the last voyage one of them, shall and do pay, or cause to be paid, all the cus- be paid, or a toms and duties due and payable for and in respect of such duced. coals, culm, or cinders so carried and exported into parts beyond the seas, in such ship or other vessel the last preceding voyage she made, or until they shall and do produce and shew unto such officer or officers of the customs, or their deputy or deputies, an authentick certificate under the hands and seals of the office of the collector, customer, and comptroller, or other chief officer or officers of the customs, of or belonging to the port, harbour, haven, creek, or other place in Great Britain, where the coals, culm, or cinders (so exported and conveyed into foreign parts) were first shipped and laden on board such thip or vessel, signifying that such master, commander, owner, or other perion, or some or one of them, or their agents, hath fully answered, paid, and satisfied all and every the custoins and other duties due and payable to his Majesty, for all such coals, culmo and cinders, so carried and exported into foreign parts beyond the seas as aforesaid, by such thip or other vessel the last preceding voyage made by such ship or vessel; and in case any officer or officers of the customs, or his deputy, shall, from and after the said twenty fourth day of June, one thousand seven hundred and forty nine, clear any ship or vessel outwards, or fign or grant any warrant, cocquet, lett-pass, transire, sufferance, return, discharge, or other dispatch whatsoever, either for the clearing such ship or vessel outwards, for a foreign or coasting voyage, or for the loading or laying on board thereon any goods or merchandizes whatfoever, or thall permit or fuffer any fuch

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fuch th'p or vessel to go out of any port, harbour, haven, creek, or other place in Great Britain, before the customs, and other duties, due for all the coals, culm, or cinders exported in her, the last preceding voyage she made, be fully paid and satisfied to his Majesty, or until a certificate of the payment thereof at some other port, be produced in the manner and form herein before mentioned; all and every such officer and officers, or his or their respective deputy or deputies, so acting contrary to the true intent and meaning of this act, shall, for every such Penalty 1001. offence, forfeit and lose the sum of one hundred pounds to his Majesty, his heirs and successors, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of Exchequer at Edinburgh respectively; wherein no essoin, protection, wager at law, or more than one imparlance shall be allowed.

Limitation of actions.

Treble colts.

Penalty on matters of coals, &c. shall be laden, to be carried coafting with the fame beyond the leas.

II. And be it further enacted by the authority aforesaid, That if any action or fuit shall be commenced against any person or persons for any thing done in pursuance of this act, the defen-General issue. dant or defendants in such action or suit may plead the general issue, and give this act, and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonfuited, or discontinue his action after the defendant shall have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble colts, and have the like remedy for the lame, as detendants have in other cases by law.

III. And be it further enacted by the authority aforesaid, That from and after the faid twenty fourth day of June, one thips, wherein thousand seven hundred and forty nine, if any master, commander, or other perion, taking charge or care of any ship or other veilel whatioever, whereon coals, culin, and cinders shall wife, proceed- be laden in any port, harbour, haven, creek, or other place in Great Britain, in order to be carried coastwife to some other port or place within the realm, or having given bond accordingly, shall proceed with his faid loading of coals, culm, or cinders, to parts beyond feas, and there unlide, deliver, and difpose of the same, or any part thereof, not being compelled thereto by stress of weather, or other lawful necessity, all and every fuch masters, commander, or other person, taking charge or care of fuch thip or vessel, shall, for every such offence, forfeit and pay for every chaldron of coals, culm, or cinders fo exported, unladen, delivered, and disposed of, contrary to the tenor and true meaning of this act, the fum of five shillings, over and above a l duties payable to his Majesty, his heirs and successors, for or in respect of the same, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at IV oftmir fler, or in the court of Exchequer at Edi iburgh respectively, wherein no essoin, protection, wager of law, or

more



#### Anno vicesimo secundo Georgii II. C. 38. 1749-1

more than one imparlance, shall be allowed; one moiety of which forfeiture shall be to the use of his Majesty, his heirs and fuccessors, and the other moiety to the use of such person or persons as shall inform or sue for the same.

# CAP. XXXVIII.

An act to prevent the mischiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gunpowder together from one place to another.

WHEREAS great quantities of gunpowder are frequently lodged in warehouses, or other edifices, within or near to cities and market towns, to the apparent danger of the lives and fortunes of many thousands of his Majesty's subjects: therefore, for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in any one place, or carrying too great quantities of gurpowder together from one place to another, be it enacted by the King's most excellent Majesty, by and with the advice and confent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the fame, That from and after the twenty fourth day of June, one No person to thousand seven hundred and forty nine, it shall not be lawful keep for more for any person or persons to have or keep gunpowder for more than 24 hours, than the space of twenty four hours at any one time, in greater above 400 wt. quantity than four hundred pounds weight, in any house, store- near any city, house, warehouse, shop, cellar, or other place, in any city, or &c. the suburbs thereof, or in any market town, or within one hundred yards distance thereof, within that part of Great Britain called England, or within two miles of any of the King's palaces, or houses of residence, or within one mile of any of the King's magazines for keeping gunpowder; nor shall it be law- nor above ful for any person or persons to have or keep, for more than the 300 wt. in any space of twenty four hours at any one time, a greater quantity place. than thirty hundred pounds weight of gunpowder, in any house, storehouse, warehouse, shop, cellar, or vault, or in any other place whatfoever, within that part of Great Britain called England, except as hereafter is excepted.

II. And be it further enacted by the authority aforesaid, That 2 Justices on from and after the said twenty fourth day of June, one thousand application of feven hundred and forty nine, it shall and may be lawful for a parish officer, any two or more justices of the peace for the county, riding, ers, to iffue division, city, town, or place, wherein any person or persons search warmaking, dealing, or trading in gunpowder, or having gunpow- rants, &c. der in his, her, or their keeping or possession, in any house, storehouse, warehouse, shop, cellar, or other place, shall reside, upon demand made, and a reasonable cause assigned for such demand, by any parish officer, or by any two or more housholders inhabiting within any parish or place, wherein such gunpowder is so kept, to issue a warrant or warrants for searching, in the day-time, such house, storehouse, warehouse, shop, cellar,

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and if there shall be any greater quanfeited.

Full costs.

actions.

Upon feizure the gunpowder may be removed, &c.

Nor greater 25 C. wt to be carried at any one time in any land carriage;

no greater than so C. wt. in any open veffel; and the carriages to be covered, and the barrels close hooped.

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or other place; and for that purpose to break open the door of such house, storehouse, warehouse, shop, cellar, or other place, if there shall be occasion; and if upon such search more than four hundred pounds weight of gunpowder shall be found in any house, storehouse, warehouse, shop, cellar, or other place, fame to be for- in any city, or suburbs thereof, or in any market town, or within one hundred yards distance thereof, or within two miles of any of the King's palaces, or houses of residence, or within one mile of any of the King's magazines for keeping gunpowder, or more than thirty hundred pounds weight in any other place (except as herein after is excepted) all fuch gunpowder exceeding the respective quantities before-mentioned, shall be seized and forfeited to any person or persons who will inform and sue for the fame, by any action, bill, or information, in any of his Majesty's courts of record at Westminster; which courts are hereby impowered and required to give judgment in such actions, bills, or informations to be brought upon this act for the recovery of fue gunpowder in specie, or for the value thereof, together with full costs, and to award effectual execution there-Limitation of on; provided such suit or action be commenced within three calendar months next after such forfeiture or penalty shall be incurred, and shall be prosecuted without wilful delay; and upon such seizure it shall and may be lawful for the searchers or perfons finding the same, to remove, or cause such gunpowder fo seized to be removed out of the limits aforesaid, and to detain and keep the same until it shall be determined in one of his Majesty's courts of record at Westminster, whether the same shall be forfeited by virtue of this act; and the person or persons so seizing or detaining the same, shall not be subject or liable to any action or fuit for so seizing or detaining the same, other than for any damage which such gunpowder shall or may receive during the time the fame shall be so detained.

III. And for preventing mischiefs which may happen from conveying great quantities of gunpowder from one place to another, be it enacted by the authority aforesaid, That from and quantity than after the said twenty fourth day of June, one thousand seven hundred and forty nine, it shall not be lawful for any person or persons to convey, at any one time, in any waggon, cart, or other carriage, within that part of Great Britain called England, a greater quantity of gunpowder than twenty five hundred pounds weight; nor shall any person or persons carry or convey, at any one time, in any open barge, boat, or vessel, upon any river, within the distance of one mile from any city or market town, a greater quantity of gunpowder than fifty hundred pounds weight; and all such gunpowder, which shall be carried or conveyed in any waggon, cart, or other carriage, after the time aforesaid, shall be carried in covered carts and carriages, and the barrels in which fuch gunpowder is carried in waggons, carts, or carriages, barges, boats, or veffels, shall be close joined-and hooped, and fecured in such manner, as that no part thereof be scattered in the passage; and if any gunpowder shall be car-

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## Anno vicesimo secundo Georgii II. c. 38. 1749.

ried or conveyed in any greater quantities respectively, or in any other manner than as before directed, all fuch gunpowder shall and may be seized by any person or persons, and upon due proof Penalty. of the offence made before two or more justices of the peace,

shall be forfeited to the use of the informer or informers.

IV. And be it further enacted by the authority aforefaid, That Penalty of from and after the said twenty fourth day of June, one thou-carelessines in fand seven hundred and forty nine, if any person or persons, persons emwho shall be employed in any storehouse or warehouse where ployed where gunpowder is kept, or in carrying or conveying gunpowder kept, or in from one place to another, shall wilfully commit any act, where-conveying the by such gunpowder may be in danger of taking fire; every per- same. son so offending, and being thereof convicted before one or more justice or justices of the peace, shall forfeit and pay to the informer, immediately upon fuch conviction, the fum of five shillings for every hundred pounds weight of gunpowder contained in such storehouse or warehouse, or which such person shall be employed in carrying or conveying from one place to another; and in case of nonpayment thereof, shall be committed to the publick gaol, there to remain without bail or mainprize, for any time not exceeding the space of six calendar months, as fuch justice or justices shall think fit.

V. Provided always, That this act, or any thing herein con- Places, &c. tained, shall not extend, or be construed to extend to any store-exempted. house or magazine belonging to his Majesty, his heirs or suc-

ceffors, wherein gunpowder or other stores shall be kept, or to hinder the proving or trying gunpowder for his Majesty's officers, as is usual for the service of his Majesty, his heirs or successors, or to the carrying of gunpowder to or from any of his Majesty's magazines, or with forces on their march, or to any mills already built and used for the making of gunpowder, or to any storehouses, warehouses, or other offices near or adjoining to fuch mills, or to the magazines now erected for keeping gunpowder at Barkin Creek's mouth, in the county of Effex, and

Erith Level in the county of Kent, or to the magazines or warehouses now erected near Liverpool in the county of Lancaster.

VI. And whereas it may be necessary hereafter to erect warehouses for keeping gunpowder in places remote from cities and towns; but forasmuch as the person or persons, who may be desirous to erect such warehouses, may be liable to actions or disturbance on that account, be it enacted by the authority aforesaid, That the justices of the Quarter selpeace for each county, riding, or division, within that part of sions may ap-Great Britain called England, shall, at their general quarter sef- point ground fions of the peace to be holden for the said counties, ridings, warehouses or divisions respectively, upon application made to them for that for gunpowpurpose, appoint proper and convenient plots of ground, at the der; distance of two miles from any city or market town, not exceeding two acres in any one place, with the use of convenient roads leading thereto; on which plots of ground so appointed, it shall and may be lawful for any person or persons desirous so to do, to erect warehouses for keeping gunpowder in any quantity,

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appoint a jury to fettle the value of the grounds.

Sum not to exceed 30 years purchaie.

No penalty for keeping 30 C. Wt. in warehoules already built, unless the fame fhall be deemed dangerous, &c.

first agreeing with the owners and proprietors of the said grounds for the same; and in case any such owner or proprietor shall and in case of refuse or neglect to agree, or by reason of any disability or imdifference, &c. pediment cannot so agree, the justices of the peace for the county, riding, division, or place where such plot of ground shall lie, shall, at their general quarter sessions, issue their warrant or warrants to the sheriff of that county, to impanel and return before them, at fuch times and places as shall be appointed in fuch warrant or warrants, a sufficient jury, who, upon their oaths (which oaths the faid justices are hereby respectively impowered to administer) shall enquire into the true value of the faid plot or plots of ground, with the use of convenient roads leading thereto, so to be appointed for gunpowder warehouses as aforesaid; and all such verdicts and inquisitions shall be kept with the records of the said sessions respectively, and the judgements and decrees of the faid justices respectively thereupon shall be final and conclusive to all parties; and to that end, the faid justices respectively shall have power to send for any person or persons interested, and to examine any parties or witnesses upon oath, as they shall think fit (all which oaths the said respective justices are hereby impowered to administer) and the sum or sums of money to be affessed and adjudged as aforesaid, not exceeding thirty years purchase, shall be paid to the respective proprietors and owners of the faid ground, according to their respective interests therein, to be adjudged by the said justices respectively as aforesaid; and upon such payment, or in case of refusal to accept the same, then upon leaving the same with the respective justices, for the benefit of such owner or proprietor, the inheritance of the said plot or plots of ground, and use of the said roads leading thereto, shall be vested in the purchasers thereof, and their heirs and affigns, for the purposes aforesaid, and not otherwise; and the warehouses which shall be erected thereon, shall be built, from time to time, in such manner, as will most effectually render them fafe and fecure.

VII. And it is hereby declared by the authority aforesaid, That no forfeiture or penalty thall be incurred upon account of gunpowder kept in greater quantities than thirty hundred pounds weight, within any warehouse or magazine already built for that purpole, unless the justices of the peace of the county or place wherein such warehouse is built, at their quarter sessions, shall, upon complaint thereof made by any two or more of the inhabitants of or near that place, adjudge the fame to be dangerous and unsafe, and until the expiration of six calendar months next after fuch adjudication; and provided such warehouse or magazine be not fituate in any city, or the suburbs thereof, or in any market town, or within one hundred yards distance thereof, or within two miles of any of his Majesty's palaces or houses of residence, or within one mile of any magazine belonging to his Majesty for the keeping gunpowder.

General iffue.

VIII. And be it further enacted by the authority aforesaid, That if any fuit or action shall be commenced or prosecuted

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against any person or persons for any thing done in pursuance of this act, in every such case such person or persons shall and may plead the general issue, and give this act, or the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall become nonsuit, or discontinue his, her, or their action or actions after issue joined, or if upon demurrer, or otherwise, judgment shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have the like remedy for the same as any de-Treble costs. fendant or defendants hath or have in other cases by law.

IX. Provided always, and be it enacted, That all fuits, ac-Limitation of tions, and profecutions, to be brought, commenced, or profe-actions.

cuted against any person or persons for any thing done, or to be done, in pursuance, or by the authority of this act, shall be laid or tried in the county or place where the fact was committed, and shall be commenced or prosecuted within six calendar months next after the fact committed, and not otherwise.

X. Provided always, That nothing in this act contained shall This act not extend, or be construed to extend, to repeal, take away, or alter to invalidate any of the clauses, powers, or provisions contained in two acts of parliament, the one made in the fifth year of the reign of his late majesty King George the First, intituled, An act for pre-5 Geo. 1. c.26. venting the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London and Westminster, or the suburbs thereof; and the other made in the eleventh year of his said late Majesty's reign, intituled, An act for making more effectual an act passed in the fifth year of his Majesty's reign, intituled, An act for preventing the mischiefs which may happen by keeping too great quantities of gunpowder in or near the cities of London or Westminster, or the suburbs thereof.

## CAP. XXXIX.

An act for enlarging the powers granted by an act passed in the sixteenth year of the reign of his present Majesty, for repairing the road from Boroughbridge, in the county of York, to Catherick in the same county, and from thence to Peirsebridge, on the river Tees.

The act 16 Geo. 2. c. 7. continued for 21 years.

## CAP. XL.

An att for enlarging and maintaining the barbour of Ramsgate, and for cleansing, amending, and preserving the baven of Sandwich,

WHEREAS frequent losses of the lives and properties of his Majesty's subjects happen in the Downs, for want of a barbour between the north and south forelands, the greatest part of the ships employed in the trade of this nation being under a necessity at going out upon, as well as returning from their voyages, to pass through the Downs, and frequently by contrary winds being detained there a long time, during which they (especially the outward-bound ships)



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flips) are exposed to violent storms, and dangerous gales of wind, without having any Sufficient harbour to lie in, or retreat into, or from whence they can receive any affistance: and whereas a harbour may be made at the town of Ramigate, proper and convenient for the reception of ships, of and under three hundred tons burthen, and from whence larger ships in distress in the Downs may be supplied with pilots, anchors, cables, and other affistance and necessaries; and by the Smaller Ships taking Shelter in this harbour, the larger Ships may take the anchorage, which at present is occupied by the smaller, and by that means their anchors will be fixed in more holding ground, and the ships not be so exposed to the ocean: for carrying therefore a work of fuch publick utility into execution, and that the faid harbour may be enlarged, constructed, finished, and maintained in such a manner, as to be rendered of service to the trade and navigation of this nation; may it please your most excellent Majesty, that it may be enacted, &c.

The trustees are to settle the duties; viz. not exceeding 6 d. per ton, to be paid by every vessel of 20 tons and not exceeding 300 tons, coming into the harbour; and on every thip which thall exceed 300 tons, not exceeding 2 d. for each ton (except ships laden with coals, or stones) and on every chalder of coals, or ton of stones, not exceeding 3 d. Duties to be published in the London Gazette. No vessel to be cleared till information on oath of her burthen. Merchants to make an allowance of the duty to the masters. Collector to keep the accounts of the monies received. Copies of which to be transmitted to the receiver general; and also of receipts and disbursements, &c. No coasting vessel to pay but once a year. Trustees to agree with workmen for building, &c. the harbour; impowered to purchase buildings, &c. In case of refusal to treat, trustees may settle the damages, upon oath of a jury. Sheriff to summon the jury. 20 days notice to be given to the parties interested, of their meeting. Trustees may borrow money at 51. per cent. interest Or by granting annuities at 81. 10 s. per cent. Rates not liable to pay interest for more than 50,000 l. at one time. Annuities to be free from taxes Trustees to meet once in every year, and to give notice in the London Gazette, &c. and publish the rates for the succeeding year, &c. After determination of annuities rates shall cease. Trustees to appoint proper officers. Trustees to meet once in every year at Guildhall, and to state the accounts, &c. Accounts of collectors to be laid before the lord mayor, &c. who may examine the fame, and impose fines on persons making concealment or imbezzlements. In default of payment persons to be committed. Accounts when allowed, to be transmitted to the commissioners of the navy. No person shall empty any ballast, &c. in the harbour, on pain of 40s. Ships not to fail into the bason, penalty 10 l. Trustees impowered to remove ships out of the bason. On death, &c. of trustees, others to be chosen. Trustees shall settle the demands to be taken for wharfs, &c. by their tenants and leffees Ail former duties to cease. Ship bound to or from Sandwich, being the property of the inhabitants, not liable to the rates. 200 l. per ann. to be paid out of the rates to the mayor, &c. of Sandwich. Application of the money for repairing their harbour. 101. penalty of throwing ballast or rubbish into the river, or fixing piles within the channel without licence. No more than a thips to lie abreaft, longer than one tide. The truffees impowered to apply 10,000 l. for erecting fuch works as they shall judge necessary at the haven of Sandwich. Judgements to be final, without appeal. Veffels belonging to Dover exempted from duties. Vessels belonging to Weymouth and Melcombe Regis, and Lyme Regis, exempted. Vessels belonging to Great Yarmouth exempted.



#### Anno vicelimo fecundo Georgii II. C. 41,42. 1749.

## CAP. XLI.

An act for rectifying mistakes in the names of several of the commissioners appointed to put in execution the act for granting a land tax for the year one thousand seven hundred and forty eight, and for appointing other commissioners, together with those named in the said act, to put in execution an act for granting a land tax for the year one thousand leven hundred and forty nine, and for directing the names of collectors of the faid tax to be certified to the receivers general; and for the relief of the borough of Honiton as to arrears of the land tax, and the house and window taxes for the years one thousand seven hundred and forty leven, and one thouland leven hundred and forty eight. EXP.

# CAP. XLII.

An all for granting to bis Majesty the sum of one million out of the finking fund, for the service of the year one thousand seven bundred and forty nine; and for enabling his Majesty to raise a further sum of one million for the uses and purposes therein mentioned; and for surther appropriating the supplies granted in this session of parliament; and for applying a certain sum for defraying certain charges and allowances to the officers and private gentlemen of the reduced troops of borse guards; and for continuing the bounties on the exportation of British and Irish linens; and for making forth duplicates of exchequer bills, lottery tickets, receipts, annuity orders, or other orders loft, burnt, or otherwife destroyed.

Most gracious Sovereign,

E your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, being desirous to raise the necessary supplies which we have cheerfully granted to your Majesty in this session of parliament, for the service of the year one thousand seven hundred and forty nine, in the easiest manner we are able, for the benefit of your Majesty's subjects, and also to use such ways and means therein as that your Majesty may have the better and more speedy effect of the faid supplies, have resolved to give and grant unto your Majesty the sum of one million, out of the surplusses, excesses, and overplus monies, commonly called The sinking fund: and to that end and purpose do most humbly beseech your Majesty that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament affembled, and by the authority of the same, That by or out of One million fuch monies as now are, or shall from time to time be and re- granted out main in the receipt of the exchequer, of the said surplusses, ex- of the sinking cesses, or overplus monies, commonly called The sinking fund the supply. (after paying or referving sufficient to pay all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same) there shall and may be issu-

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> ed, and applied, a fum not exceeding the faid fum of one million, for and towards the supply granted to his Majesty for the fervice of the said year one thousand seven hundred and forty nine; and the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized and impowered to iffue and apply the lame accordingly.

Claufe of loan at 4l. per cent.

II. And it is hereby enacted by the authority aforesaid, That in case the said commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think it adviseable to raise the said sum of one million, or any part thereof, by loans or exchequer bills, in- manner herein after mentioned, that it shall and may be lawful to and for any person or persons, natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money not exceeding the faid fum of one million, upon the credit of the faid furplusses, excesses, or overplus monies, commonly called The sinking fund; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds per centum per annum, so as such loans be allowed to be made by the faid commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose as fast as such loans shall be wanted for the publick service; and moreover that no money fo to be lent upon the fecurity of this act shall be rated or affested to any tax or affestment whatsoever.

Tallies and orders for repayment,

III. And be it further enacted, That all and every person and persons who shall lend any money upon the credit of this act as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally, in or upon which order shall be also contained a warrant for payment of interest for the forbearto carry 41. per ance thereof, not exceeding the faid rate of four pounds per cencent. interest. tum per annum, and to be paid every three months, until the repayment of the principal; and all fuch orders for repayment of money fo to be lent shall be registred in course according to the Orders to be dates respectively; and that all and every person and persons register'd, and shall be paid in course, according as their orders shall stand repaid in course. gistred in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or affigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the faid furplusses, excesses, or overplus monies; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid,



#### Anno vicesimo secundo Georgii II. C. 42. 1749.

paid, and so successively and in course; and that the monies to come in, of or for the faid furplufies, excertes, or overplus monies, commonly called The finking fund, as aforefaid, thall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwife; and shall not be diverted or divertible to any other use, intent, No fee for reor purpose whatsoever (other than such uses or purposes as are gistering, &c. appointed by any other act or acts of parliament in that behalf as aforesaid;) and that no fee, reward, or gratuity directly or indirectly shall be demanded or taken of any of his Majesty's subjects for providing or making of any such books or registers, or any entries, views, or searches in or for payment of money lent, or the interest thereof as aforesaid, by any of his Majesty's officer or officers, their clerks, or deputies, on pain of payment of treble damages to the party grieved by the party offending, Penalty. with full costs of suit; or if the officer himself take or demand any fuch fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt with full costs of suit to the party grieved, and shall be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever after incapable of his office or place; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the teller make payment upon fuch orders, according to each person's due place and order as before directed, then he or they shall be adjudged to forfeit, and the respective deputies and clerks therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid; all which said penalties, forfeitures, damages, Penalties how and costs, to be incurred by any the officers of the exchequer, to be recoveror any their deputies or clerks, shall and may be recovered by ed. action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint

shall be in any wife granted or allowed. IV. Provided always, and it is declared, That if it shall hap- Noundue prepen that several tallies of loan or orders for payment as afore-ference, where said, bear date, or be brought the same day to the auditor of brought the the receipt to be registred, then it shall be interpreted no un- same day. due preference which of those be entered first, so as he enters them all the same day.

V. Provided also, That it shall not be interpreted any undue Nor if subsepreference to incur any penalty in point of payment, if the au-quent orders ditor direct, and the clerk of the pells record, and the tellers be paid before . Vol. XIX.



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do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons that did not come to take their monies, and bring their orders in course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Orders affignable.

VI. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registred by virtue of this act, after order entered in the book of registry as aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written upon his, her, or their order, may affign or tranffer his, her, and their right, title, interest, and benefit of such order, or any part thereof to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry aforefaid for orders (which the officers shall upon request without fee or charge accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof, and payment thereon, and such assignee may in like manner affign again, and so toties quoties; and afterwards it ment not tobe shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

The affignvoided.

make new exchequer bills

for raising the

faid one mil-

hon, &c.

No fee for

entry.

VII. And to the end there may be no want or failure of a certain fum not to exceed in the whole the faid fum of one million, to be raised either by such loans as aforesaid, or by issuing exchequer bills as is herein after mentioned, or by both or either of those ways or means for the publick service; be it further enacted by the authority aforesaid, That in case the com-Treasury may missioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more adviseable to raise the said sum of one million, or any part thereof, by exchequer bills, instead of such loans as aforesaid. that then they respectively are hereby authorized and impowered at any time or times to prepare and make, or cause to be prepared and made at the exchequer, any number of new exchequer bills, for any fum or fums of money not exceeding in the whole the faid fum of one million, together with fuch loans as aforesaid, in the same or like manner, form, or order, and according to the same or like rules and directions, as in and by a certain act of parliament (for continuing the duties upon malt, mum, cyder, and perry, for the service of the year one thoufand seven hundred and forty nine) are enacted and prescribed. concerning the exchequer bills to be made in pursuance of the faid act.

To be subject to the regulations in 22 Geo. z. relat-

VIII. And be it further enacted by the authority aforesaid. That all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in

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the faid last-mentioned act relating to the loans or exchequer ing to the male bills authorized to be made by the same act, except such clauses duty. as do charge the same on the rates or duties, granted by the same act, shall be applied and extended to the exchequer bills to be made in pursuance of this act, as fully and effectually to all intents and purposes as if the said exchequer bills had been originally authorized by the said last mentioned act, or as if the said feveral clauses or provisoes had been particularly repeated or re-

enacted in the body of this present act.

IX. And be it enacted by the authority aforesaid, That all the Exchequer. exchequer bills as shall be made in pursuance of this act, and bills, &c. to the interest, premium, rate, and charges incident to, or at- be repaid out tending the same, shall be and are hereby charged and charge-fund. able upon, and shall be repaid and borne by and out of the growing produce of the faid furplusses, excesses, or overplus monies, commonly called The finking fund (except fuch monies of the faid finking fund as are appropriated to any particular use or uses by any former or other act or acts of parliament in that behalf) and fuch monies of the faid finking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards the paying off, cancelling, and difcharging such exchequer bills, interest, premium, rate, or charges, until the whole of them shall be paid off, cancelled, and difcharged, or money sufficient for that purpose he kept and referved in the exchequer, to be payable on demand to the respective proprietors thereof.

X. And towards enabling your Majesty to discharge the great debts contracted by the late war, and raising the supplies granted to your Majesty in this session of parliament, your said dutiful and loyal commons have also freely given and granted unto your Majesty the further sum of one million, to be raised in manner herein after mentioned; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for the His Majesty King's most excellent majesty, by warrant or warrants under impowered to his royal fign manual, to authorize and impower the commist-borrow one fioners of his Majesty's treasury now or for the time being, or million on exany three or more of them, or the lord high treasurer for the time being, at any time or times before the twenty fifth day of December, one thousand seven hundred and forty nine, to cause or direct any loans to be taken or received at his Majesty's exchequer, from any person or persons, natives or foreigners, body or bodies politick or corporate, or any number of exchequer bills to be made out there, for any fum or fums of money, not exceeding in loans and exchequer bills, together in the whole, the faid fum of one million, in the same or like manner, form. and order, and according to the same or like rules and directions. as in and by the before-mentioned act of this present session of parliament, for continuing the duties upon malt, mum, cyder. and perry, for the service of the year one thousand seven hundred and forty nine, are enacted and prescribed concerning the

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loans or exchequer bills to be taken or made in pursuance of the faid act.

The exche-Subject to the regulations contained in the malt act.

XI. And be it further enacted by the authority aforesaid, That quer bills to be all and every the clauses, provisoes, powers, privileges, advantages, penalties, forfeitures, and disabilities, contained in the faid last-mentioned act, relating to the loans or exchequer bills authorized to be made by the same act (except such clauses as do charge the same on the rates and duties granted by the same act) shall be applied and extended to the loans and exchequer bills to be made in pursuance of this act, as fully and effectually, to all intents and purposes, as if the same loans or exchequer bills had been originally authorized by the faid last-mentioned act, or as if the faid feveral clauses or provisoes had been particularly

repeated and re-enacted in the body of this act.

Exchequer bills to carry · terest, and to the first supplies, granted after 29 Sept. 1749, &c.

XII. And be it further enacted by the authority aforesaid, That all fuch loans or exchequer bills, not exceeding one mil-4 per cent. in- lion as aforesaid, as shall be taken in or made forth in pursuance be charged on of this act, may respectively be made to bear or carry an interest, præmium, or rate, not exceeding four pounds per centum per annum, and all fuch loans or exchequer bills, together with the interest, præmium, rate, and charges incident to or attending the fame, shall be and are hereby charged and chargeable upon, and shall be repaid or borne by or out of the first aids or supplies which shall be granted in parliament, next after the twenty ninth day of September, one thousand seven hundred and forty nine; and in case sufficient aids or supplies for that purpose shall not be granted before the twenty fourth day of June, one thoufand seven hundred and fifty, then all and every the said loans or exchequer bills, with the interest, præmium, rate, and charges incident to or attending the same, shall be, and are hereby charged and chargeable upon fuch monies, as at any time or times, at or after the said twenty fourth day of June, one thoufand feven hundred and fifty, shall be or remain in the receipt of the exchequer of the faid surplusses, excesses, or overplus monies, commonly called The finking fund (except fuch monies of the faid finking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and fuch monies of the said sinking fund shall and may be issued and applied, as fast as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging fuch loans or exchequer bills, interest, præmium, rate, or charges, until the whole of them shall be paid off, cancelled, and discharged, or money sufficient for that purpose be kept and reserved in the exchequer, to be payable on demand to the respective proprietors thereof.

or on the finking fund.

Sinking fund

XIII. Provided always, and be it enacted by the authority to be replaced. aforesaid, That whatever monies shall be so issued out of the faid surplusses, excesses or overplus monies, commonly called The finking fund, shall from time to time be replaced by and out of the first supplies to be then after granted in parliament, any thing herein contained to the contrary notwithstanding.

XIV. Pro-

#### 1749.] Anno vicesimo secundo Georgii II. c.42:

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XIV. Provided always, and be it enacted by the authority Monies of the aforesaid, That all the monies coming into the exchequer, ei- malt act, &c. ther by loans or exchequer bills, upon one act of this session of parliament, (intituled, An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and forty nine;) and so much money, if any such be, of the duties thereby granted, as shall arise or remain after all the loans or exchequer bills made, or to be made on the same act, and all the interest, premium, rate, and charges thereon, and the charges thereby allowable for raising the said duties, shall be satisfied, or money sufficient shall be referved in the exchequer to discharge the same; and also all the monies coming into the exchequer, either by loans or exchequer bills, upon one other act of this session of parliament (intituled, An all for granting an aid to his Majesty by a land tax, and land tax, to be raised in Great Britain, for the service of the year one thou- &c. Jand Jeven hundred and forty nine;) and so much money, if any such be, of the tax thereby granted, as shall arise or remain, after all the loans or exchequer bills made or to be made on the same act, and all the interest, premium, rate and charges thereupon, and the charges thereby allowable for raising the said land tax, shall be fatisfied, or money sufficient shall be reserved in the exchequer to discharge the same; and the sum of one million by this act granted, shall be further appropriated and applied. applied, and are hereby appropriated for and towards the feveral uses, intents, and purposes herein after expressed (that is to fay)

XV. It is hereby enacted and declared, That out of all or Out of theaids any the aids or supplies aforesaid, there shall and may be issued to be paid, and applied any fum or fums of money, not exceeding one million one hundred fixty nine thousand eight hundred seventy eight pounds, and eight pence, for or towards the naval services herein after more particularly expressed; that is to say, for or 1,169.8-81. 8d. towards defraying the charges of the ordinary of his Majesty's towards naval navy, and for half-pay to sea-officers; and for or towards vic- services. tuals, wages, wear and tear of the navy, and the victualling thereof, performed and to be performed, and for or towards fea fervices in the office of ordnance, performed and to be performed; for the year one thousand seven hundred and forty nine.

XVI. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any furn or fums of money, not exceeding ten thousand 10,0001. to pounds, upon account, towards the support of the royal hospi- Greenwich tal at Greenwich, for the better maintenance of the seamen of hospital. the faid hospital, worn out and become decrepit in the service of their country; and any fum or fums of money, not exceed- 1,000,000 l. ing one million, towards discharging seamens wages and other towards seapayments due on the debt of the navy on the thirty first of De- men's wages, cember, one thousand seven hundred and forty eight, not al- and other debts of the ready provided for. Aa3

nair.

XV. And

Anno vicesimo secundo Georgii II. C. 42. 358 1749

¥77,1471. 158. zo d. towards the office of ordnance.

XVII. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there thall and may be issued and applied any fum or fums of money, not exceeding one hundred seventy seven thousand one hundred forty seven pounds, fifteen shillings, and ten pence, for or towards defraying the charge of the office of ordnance for land service, for the year one thousand seven hundred and forty nine, performed and to be performed, and for defraying the extraordinary expence of the office of ordnance for land service, not provided for by parliament.

3,730,477 l. 8 s. 4 d. to the land torces;

of which 612,2301.45. 7 d. for guards and garrifons, &c in Great

Britain, &c.

218,864 l. 1s. 5d. 2q. for the plantations, &c.

111,612l. 3S. 4d. for Cape Breton and the East Indies.

30,0781. 25. 6d. to the King of Sweden;

30,5481. 145. buttle; 100,000l. to the Queen of Hungary.

XVIII. And it is hereby likewise enacted, That out of all or any the aids or supplies provided as aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding one million seven hundred and thirty thousand four hundred seventy seven pounds, eight shillings, and four pence, for and towards maintaining his Majesty's land forces, and other services herein after more particularly expressed; (that is to say) any sum or sums of money, not exceeding six hundred twelve thousand two hundred and thirty pounds, four shillings, and feven pence, for defraying the charge of the eighteen thousand eight hundred and fifty seven effective men, including commission and non-commission officers, and one thousand eight hundred and fifteen invalids, for guards, garrisons, and other his Majesty's land forces in Great Britain, Guernsey, and Jersey, for the service of the year one thousand seven hundred and forty nine; and any furn or furns of money, not exceeding two hundred eighteen thousand eight hundred fixty four pounds one shilling, and five pence halfpenny, for maintaining his Majesty's forces and garrisons in the plantations, Minorca and Gibraltar, and for provisions for the garrisons at Annapolis Royal, Placentia, Gibraltar, and Providence, for the year one thousand feven hundred and forty nine; and any sum or sums of money, not exceeding one hundred and eleven thousand six hundred and twelve pounds, three shillings, and four pence, for defraying the charge of his Majesty's forces in the island of Cape Breton, and of the twelve independent companies of foot in the East Indies, for the year one thousand se en hundred and forty nine; and any sum or sums of money not exceeding thirty thoufand seventy eight pounds, two shillings, and fix pence, to make good his Majesty's engagements with the King of Sweden, as Landgrave of Hesse Cassell, pursuant to treaty; and any sum or fums of money, not exceeding thirty thousand five hundred forty eight pounds, fourteen shillings, and six pence, to make dukeof Brunf- good his Majesty's engagements with his most serene highness wick Wolfen- the duke of Brunfwick Wolfenbuttle, pursuant to treaty; and any sum or sums of money, not exceeding one hundred thousand pounds, to be paid over to the empress Queen of Hungary, to answer the like sum claimed by her imperial Majesty, as an arrear of the sum of four hundred thousand pounds, mentioned in the convention concluded at the Hague, the twenty fixth day of January, one thousand seven hundred and forty eight; and any fum or fums of money, not exceeding eight thousand fix

### Anno vicesimo secundo Georgii II. c. 42. 1749.]

hundred and twenty pounds, to make good his Majesty's en-8,620l. to the gagements with the elector of Mentz, pursuant to treaty; and elector of any sum or sums of money, not exceeding forty four thousand Mentz. feven hundred forty four pounds, fix shillings, and three pence, 3d. to the to make good his Majesty's engagements with the elector of elector of Ba-Bavaria, pursuant to treaty; and any sum or sums of money, varia.

not exceeding sixteen thousand pounds, for the pay of the gegeneral and neral, and staff officers, for the year one thousand seven hun-staff officers; dred and forty nine; and any sum or sums of money, not ex-418,1281. 185. ceeding four hundred eighteen thousand one hundred twenty rod. for the eight pounds, eighteen shillings, and ten pence, for defraying forces in Flanders, &c. the extraordinary expences of his Majesty's land forces in Flanders, in North Britain, and America, and of other services, incurred in the year one thousand seven hundred and forty eight,

and not provided for by parliament; and any sum or sums of 63,274l. 6s. money, not exceeding fixty three thousand two hundred seven-3d. to outty four pounds, fix shillings, and three pence, upon account pensioners of for out-pensioners of Chelsea Hospital, for the year one thousand Chelsea Hosseven hundred and forty nine; and any sum or sums of money, pital; not exceeding five thousand two hundred eighty one pounds, fix- 5,281, 16s. 8d. teen shillings, and eight pence, for defraying the charge for al- of horse

lowances to several officers and private gentlemen of the two guards, and troops of horse guards, and regiment of horse, lately disbanded, regiment of for the year one thousand seven hundred and forty nine; and horse disbandary sum or sums of money not exceeding sixty seven thousand 67,2261. 18s. two hundred twenty fix pounds, eighteen shillings, and four 4d. to the repence, upon account of reduced officers of his majesty's land-duced officers; forces and marines, for the year one thousand seven hundred

and forty nine, subject to such rules to be observed in the application of the faid half-pay, as are herein after prescribed concerning the same; and any sum or sums of money, not exceed- 3,867 l. 15 s. ing three thousand eight hundred fixty seven pounds, fifteen 7 d. 2 q. to the shillings, and seven pence halfpenny for paying of pensions to the pensions of rewidows of such reduced officers of his Majesty's land forces and widows, &c. marines, as died upon the establishment of half-pay in Great

Britain, and who were married to them before the twenty fifth day of December, one thousand seven hundred and sixteen, for the year one thousand seven hundred and forty nine; which faid sum of three thousand eight hundred fixty seven pounds, fifteen shillings, and seven pence halfpenny, shall be issued to fuch person or persons, as his Majesty shall, by warrant or warrants under his Majesty's royal sign manual, direct or appoint to receive the same, to be by him or them paid over to such widows of half-pay officers, or their affigns, according to fuch establishments, lists, or other directions, and with and subject to fuch conditions, qualifications, and other allowances for the same, as his Majesty, by such and the like warrant or warrants,

shall be graciously pleased to direct and appoint. XIX. And it is hereby also enacted by the authority afore- 40,000l. to said, That out of all or any the aids or supplies aforesaid, there Nova Scotia. shall and may be issued and applied any sum or sums of money,

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#### Anno vicesimo secundo GEORGII II. c. 42, 1749.

not exceeding forty thousand pounds, upon account, towards the charge of transporting to his Majesty's colony of Nova Scotia, and supporting and maintaining there for a certain time after their arrival, such reduced officers and private men lately dismissed his Majesty's land and sea service, and others his Majesty's subjects, as shall be willing to settle in the said colony, under fuch regulations as his Majetty shall judge proper.

12,000 l. for the bridge at Westminiter.

XX. And it is hereby also enacted, That out of all or any the aids or supplies aforesaid, there shall and may be issued and paid to the commissioners for building a bridge cross the river Thames, from the city of Westminster to the opposite shore, in the county of Surrey, or any feven or more of them, or to such perfon or persons as shall be appointed under the hands and seals of the faid commissioners, or any seven or more of them, to receive the fame, the fum of twelve thousand pounds, without account, other than is directed for other monies raised by virtue of feveral former acts of parliament, passed during the reign of his present Majesty, for building the said bridge, to be applied to finish the said bridge, and to enable the said commissioners to perform the other trusts reposed in them.

10,000l. to city of Glaf-

gow, fumsextorted by the rebels.

for Georgia.

10,000l. towardsfupporting the trade ro Africa.

7,180 l. 5 S. 8 d. to make good the deficiency of the stamp duties.

13.827 l. 12 S. 6 d. defic ency of the duties on iweets.

XXI. And it is hereby also enacted by the authority aforereimburse the said, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding ten thousand pounds, to reimburse the magistrates and town council of the city of Glasgow, the sums extorted from them by the rebels, upon account of their loyalty, during the late unnatural rebellion, for the railing of which the faid magistrates and town council were obliged to grant their bonds; 5,304l. 3s. 4d. and any fum or fums of money, not exceeding five thousand three hundred and four pounds, three shillings and four pence, for the further fettling and improving the colony of Georgia in America, for the year one thousand seven hundred and forty nine.

XXII. And be it further enacted by the authority aforesaid, That out of all or any the aids or tupplies aforesaid, it shall and may be lawful for his Majesty to issue and apply any sum or fums of money, not exceeding ten thouland pounds, towards the support of the trade to Africa, in such manner as his Majesty thall judge proper.

XXIII. And it is hereby also enacted by the authority aforefaid, That out of all or any the aids or supplies aforesaid, there shall and may be issued and applied any sum or sums of money, not exceeding feven thousand one hundred eighty pounds, five shillings, and eight pence, to replace to the finking fund the like fum paid out of the same, to make good the deficiency of the additional stamp duties at Christmas, one thousand seven hundred and forty feven; and any fum or fums of money not exceeding thirteen thousand eight hundred twenty seven pounds, twelve shillings, and fix pence, to replace to the said finking fund the like sum paid out of the same, to make good the deficiency of the duty of twelve shillings a barrel on sweets, or wines made from British or foreign fruits or sugar, at Michael-

## Anno vicesimo secundo Georgii II. c. 42. 1749

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mas, one thousand seven hundred and forty eight; and any sum or fums of money, not exceeding thirty five thousand pounds, 35,000 l. for to replace to the faid finking fund the like fum paid out of the interest on the same, to answer one year's interest, due at Michaelmas, one thou- salt duties. fand seven hundred and forty eight, after the rate of three pounds ten shillings per centum per annum, on the principal sum of one million lent on credit of the falt duties, which were continued for fix years, from Lady-day, one thousand seven hundred and fifty three, towards the supply for the year one thousand seven hundred and forty five; and any fum or fums of money, not exceeding fifteen thousand two hundred ninety seven pounds, 15,297 l. 11 \$. eleven thillings, and five pence halfpenny, to replace to the 5 d. 2q. to faid finking fund the like furn paid out of the fame, to make good faid finking fund the like fum paid out of the same, to make the addigood the deficiency of the additional duties on wines at Midsum- tional duties mer, one thousand seven hundred and forty eight; and any sum on wines at or fums of money, not exceeding one thousand four hundred fixty Midsummer, two pounds, fix shillings, and ten pence, for making good the 1,4621.65. deficiency of the said additional duties on wines at Christmas, one 10d.deficiency thousand seven hundred and forty eight; and any sum or sums at Christmas, of money not exceeding nine thousand three hundred and eight 1748; pounds, seven shillings, and sour pence, to replace to the said 9,308 l. 7 s. sinking fund the like sum paid out of the same, to make good of the duty on the deficiency of the duty on licenses for the duty on the deficiency of the duty on licences for retailing of spirituous licences for reliquors, at Lady-day, one thousand seven hundred and forty tailing spiritueight; and any sum or sums of money, not exceeding thirty ous liquors. three thousand eight hundred and four pounds, thirteen shil- id. 29. deficilings, and one penny halfpenny, to replace to the faid finking ency of the fund the like sum paid out of the same, to make good the de-duties on glass ficiency of the duties on glass and spirituous liquors, at Midsum- and spirituous mer, one thousand seven hundred and forty eight; and any sum Midsummer. or sums of money, not exceeding forty one thousand eight 1748; hundred twenty two pounds, ten shillings, and five pence for 41,8221. 108. making good the deficiency at Christmas, one thousand seven 5d. deficiency hundred and forty eight, of the said duties on glass and spiri- 1748; tuous liquors; and any fum or fums of money, not exceed- 28,2681. 158. ing twenty eight thousand two hundred fixty eight pounds, fif- 5d. 3q. deficiteen shillings, and five pence three farthings, to replace to the ency of the faid finking fund the like sum paid out of the same, to make houses, &c. good the deficiency of the new duties on houses, windows, and at Michaellights at Michaelmas, one thousand seven hundred and forty eight, mas, 1748. and any fum or fums of money, not exceeding thirty one thou- and 31,060l. fand and fixty pounds, fixteen shillings, and one halfpenny, to ciency at Lamake good the deficiency of the faid new duties on houses, win-dy day, 1749; dows, and lights at Lady-day, one thousand seven hundred and 470,1861. 95. forty nine: and any fum or fums of money, not exceeding four 6d. 1q. defihundred seventy thousand one hundred eighty six pounds, nine grants for shillings, and six pence farthing to make good the deficiency of 1748; the grants for the service of the year one thousand seven hundred and forty eight.

XXIV. And be it further enacted by the authority aforesaid, That the faid aids or supplies provided as aforesaid shall not be



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The supplies to be applied only as this act directs.

Rules to be observed in the application of the fum of 67,226 l. 18s 4d. appropriated on account of half-pay.

Anno vicesimo secundo Georgii II. c. 42.

issued or applied to any use, intent, or purpose whatsoever, other than the uses and purposes before mentioned, or for the several deficiencies or other payments directed to be satisfied thereout by any act or acts, or any particular clause or clauses for that purpose contained in any other act or acts of this pre-

fent fession of parliament.

XXV. And as to the faid fum of fixty leven thousand two hundred twenty fix pounds, eighteen shillings, and four pence, by this act appropriated on account of half-pay, as aforefaid; it is hereby enacted and declared by the authority aforefaid, That the rules herein after prescribed shall be duly observed in the application thereof; that is to fay, That no person shall have or receive any part of the same, who was a minor, and under the age of fixteen years, at the time when the regiment, troop, or company, in which he served, was reduced; that no person shall have or receive any part of the same, except such persons who did actual service in some regiment, troop, or company; that no person having any other place or employment of profit civil or military, under his Majesty, shall have or receive any part of the faid half-pay; that no chaplain of any garrison or regiment, who has any ecclesiastical benefice in Great Britain or Ireland, shall have or receive any part of the said half-pay; that no person shall have or receive any part of the fame, who has refigned his commission, and has had no commission since; that no part of the same shall be allowed to any person by virtue of any warrant or appointment, except to such persons, who would have been otherwise intitled to the same as reduced officers; and that no part of the same shall be allowed to any of the officers of the five regiments of dragoons, and eight regiments of foot, lately disbanded in Ireland, except to such as were lately taken off the establishment of half-pay in Great Britain.

21Geo. 2.C.23 .

XXVI. And whereas by an act of parliament made in the twenty first year of his Majesty's reign, (intituled, An act for granting to his Majesty the sum of one million out of the finking fund, for the fervice of the year one thousand seven hundred and forty eight; and for applying a fum of money remaining in the exchequer, arisen by the rates and duties on houses, which determined at Lady-day, one thousand seven hundred and forty seven; and for the further appropriating the supplies granted in this session of parliament; and for applying a certain fum of money for defraying the charge of the allowances for the year one thousand feven hundred and forty eight, to several officers and private gentlemen of the two troops of horse guards, and three regiments of horse, lately reduced, several supplies which had been granted to his Majesty, as is therein mentioned, were appropriated to several uses and purposes therein expressed, amongst which, any sum or sums of money, not exceeding twenty seven thousand two hundred twenty four pounds, and fix shillings, was appropriated to be paid to the reduced officers of his Majesty's land forces and marines, subject nevertheless to such rules to be observed in the application of the said half-pay, as in and by the aforesaid act were prescribed in that behalf; now it .

L1749.

#### Anno vicesimo secundo Georgii II. c. 42,43. 1749·

is hereby provided, enacted, and declared by the authority aforesaid, That so much of the said sum of twenty seven thoufand two hundred twenty four pounds, and fix shillings, as is Application of or shall be more than sufficient to satisfy the said reduced offi- the surplus cers, according to the rules prescribed by the said act to be half-pay, to observed in the application thereof, or any part of such over- the commpasplus, shall and may be disposed of to such officers who are main- sionate list. ed or lost their limbs in the late wars, or such others, as by reafon of their long service, or otherwise, his Majesty shall judge to be proper objects of charity, or to the widows or children of fuch officers, according to such warrant or warrants, under his

any thing in this act, or the faid former act to the contrary notwithstanding.

XXVII. And it is hereby likewise enacted, That out of the 6,039l. 10s. monies or favings arising from the money granted by parlia-8d. out of the ment, for the relief and provision of the widows of officers, who allowance for have been killed or died in the service, there shall and may be officers, to deissued and applied, by any warrant or warrants of his Majesty, fray the offunder his royal sign manual, any sum or sums of money, not reckonings to exceeding fix thousand thirty nine pounds, ten shillings, and the 3d and 4th eight pence, for defraying the charge of the off-reckonings, be- horse guards, longing to the late third and fourth troops of horse guards re-reduced. duced, and allowances to private gentlemen of the faid troops, on their retiring from the service, for the year one thousand se-

Majesty's royal sign manual, as shall be signed in that behalf;

yen hundred and forty nine.

XXVIII. And be it further enacted by the authority aforesaid, Bounties on That the bounties on the exportation of British and Irish coarse the exportalinens shall continue to be paid in the like manner, and under the tion of British like regulations as directed by the acts of the fifteenth and fixteenth, and Irish liand of the eighteenth years of his Majesty's reign, from and af-lens continued ter the twenty fifth day of March, one thousand seven hundred for 3 years. and fifty, for and during the further term of three years, and from thence to the end of the then next session of parliament and An account that the same be paid out of such part of the old subsidies, as thereof to be is applicable to the payment of incidents, and that an account laid before the of such bounties, together with the quantity of British and Irish parliament coarse linens intitled to the same respectively, be laid before the yearly. house of commons every session of parliament, in order to the replacing the same out of the next aids to be granted in parliament.

Upon affidavit made of exchequer bills, tickets, certificates, receipts, aunuity orders, &c. being loft, or otherwise destroyed, before I August, 1749, &c. the respective officers are to make out duplicates thereof, and to discharge the same. Commissioners of the treasury impowered to sign the duplicates. Exp.

## CAP. XLIII.

An act for the further enlarging the term and powers granted and continued by two acts of parliament, the one passed in the twelfth year of the reign of her late maiesty Qu en Anne, and the other in the twelfth year of the reign of his late majesty King George the First, for repairing the roads from the city of Worcetter, through the borough of Droit-

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Anno vicesimo secundo Georgii II. c. 44. 1749. 364

wich, to Dyers Bridge near Bromsgrove, in the county of Worcester, and also for repairing the roads from Dyer's Bridge, through the town of Bromigrove to Spadesbourn Bridge, and from Droitwich to Bradley Brook, in the fame county.

The acts 12 Ann. and 12 Geo. 1. c. 20. equinued for 21 years.

## CAP. XLIV.

An att to enable such officers, mariners, and soldiers, as have been in his Majesty's service since his accession to the throne, to exercise trades.

THEREAS there hath been and are divers officers, mariners, and soldiers who have served his Majesty in the late wars by fea or land, some of which, are men that used trades, others that were apprentices to trades who had not served out their times, and others, who by their own industry have made themselves apt and fit for trades: many of which, the wars being now ended, would willingly employ themselves in those trades which they were formerly accustomed to, or which they are apt or able to follow and make use of, for the getting their living by their own labour, but are or may be hindered from exercising those trades in certain cities and corporations, and other places within this kingdom, because of certain by-laws and customs of those places, and of the statute made in the fifth year of Queen Elizabeth, prohibiting the use of certain trades by any person who hath not ferved as an apprentice to such trade for the space of seven years: for remedy whereof be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all such officers, mariners, and soldiers, who have been at any time employed in his Majesty's service since his accession to the throne, and have not fince deferted the faid service, may set up and exercise such trades as they are apt and able for in any town or place within the kingdoms of Great Britain, and Ireland, without any lett, fuit, or molestation of any person or persons whatsoever, for or by reason of the using of such trade; and if any such officer or officers, mariner or mariners, soldier or soldiers, who shall be fued, impleaded, or indicted in any court whatfoever, within this kingdom, for using or exercising any such trades as aforefaid, then the faid officer or officers, mariner or mariners, foldier or foldiers, making it appear to the same court, where they are so sued, impleaded, or indicted, that they have served the King's majesty as aforesaid, shall upon the general issue pleaded, be found not guilty in any plaint, bill, information, or indictment exhibited against them, and such persons who notwithstanding this act, shall profecute their said suit by bill, plaint, information, or indictment, and shall have a verdict pass against them, or become nonsuit therein, or discontinue their said suit, fuch person or persons shall pay unto such officer or officers. and have dou- mariner or mariners, soldier or soldiers, double costs of suit, to be recovered as any other costs at common law may be recovered; and all judges and jurors, before whom any fuch fuit, in-

Officers, mariners, and foldiers impowered to exercile trades;

and being fued, may plead the general iffue.

bie coits.



Anno vicesimo secundo GEORGII II. c. 45. 1749.

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formation, or indictment shall be brought, and all other perfons whatfoever, are to take notice of this present act, and shall conform themselves thereunto, any statute, law, ordinance, custom, or provision to the contrary in any wife notwithstanding.

II. Provided always, That this act shall not in any wife be Privileges of prejudicial to the privileges of the universities of Cambridge and the universi-Oxford, or either of them, or extend to give liberty to any per-ties of Camfon to fet up the trade of a vintner, or to fell any wine or other Oxford refervliquors within the faid universities, without licence first had and ed to them. obtained from the vice chancellors of the same respectively.

# CAP. XLV.

An att for the further encouragement and enlargement of the whale fishery, and for continuing such laws as are therein mentioned relating thereto; and for the naturalization of such foreign protestants, as shall serve for the time therein mentioned, on board such ships as shall be fitted out for the said fishery.

WHEREAS divers acts of parliament have been made for the encouragement of his Majedn's labis. encouragement of his Majesty's subjects, to carry on and improve the whale fishery, and that the enlargement of the said fishery will be of great advantage to the trade and navigation of this kingdom: for the further encouragement to carry on the said trade, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the fifth year of his present 5 Geo. 2. c. 28. Majesty's reign, intituled, An act for encouraging the Greenland filbery; which was to be in force for nine years, from the twenty fifth day of December, one thousand seven hundred and thirty one; and which act was, by an act of parliament made in the thirteenth year of his present Majesty's reign, intituled, An act 13 Geo. 2. for continuing the several laws therein mentioned, relating to the pre- c. 28. miums, upon the importation of masts, yards, and bowsprits, tar, pitch, and turpentine; to British made fail cloth, and the duties payable on foreign fail cloth; to the Greenland and to the whale fishery; and for granting a further bounty for all ships employed in the whale fishery during the present war; for exempting harpooneers and others employed in the Greenland fishery trade from being impressed; and for giving further time for the payment of duties omitted to be paid for the indentures and contracts of clerks and apprentices, continued unto the twenty fifth day of December, one thousand seven hun-further contidred and fifty, and from thence to the end of the then next fef- nued unto fion of parliament, shall be, and the same is hereby further con- 1757. tinued from the time in the faid last-mentioned act mentioned. and therein limited for the expiration thereof, unto the twenty fifth day of December, which shall be in the year one thousand feven hundred and fifty seven, and from thence to the end of the then next session of parliament.

II. And be it further enacted by the authority aforesaid, That



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c. 33. further continued to 3757-Further continued by 27 Geo. 2. c. 18.

Act 6 Geo. 2. an act made in the fixth year of his Majesty's reign, intituled, An act for the further encouragement of the whale fishery, carried on 25 December, by his Majesty's British subjects; which was to be in force during the continuance of the last-mentioned act of the fifth year of his Majesty's reign, intituled, An all for encouraging the Greenland fishery; and which was, by the faid act of the thirteenth year of his present Majesty, continued unto the said twenty fifth day of December, one thousand seven hundred and sifty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby continued, from the time therein limited for the expiration thereof, unto the faid twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

Commissioners upon certificate, &c. from the collector, to pay the fenage bounties granted by parliament.

III. And be it further enacted by the authority aforesaid, That of the customs over and above the allowance of twenty shillings a ton, according to the admeasurement of the ship, by the said last-mentioned act directed to be paid, it shall and may be lawful for the respective commissioners of the customs in Great Britain, from cond 20s. ton- the twenty ninth day of September, one thousand seven hundred and forty nine, and until the faid twenty fifth day of December, one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament, (upon having such schedule, certificate, licence, and oath transmitted to them by the collector and comptroller of the port from whence such ship shall depart, as by the faid last-mentioned act is directed, and upon such commissioners being satisfied of the faithful dealings of the master and other persons employed in such ship, with respect to such voyage and fishery) on demand, to cause payment to be made to the master or owners, or to his or their assigns by the receiver general of the customs in that part of Great Britain from whence such ship shall depart, of the sum of twenty shillings a ton, according to the admeasurement of the ship, over and above the fum of twenty shillings a ton, by the last-mentioned act granted for the encouragement of the whale fishery in the Greenland Seas, or Davis's Streights, and the adjacent seas, carried on by his Majesty's British subjects, in such manner, and at fuch time or times, as the faid allowance of twenty shillings a ton by the said last-mentioned act, made in the fixth year of his present Majesty's reign, intituled, An act for the further encouragement of the whale fishery carried on by his Majesty's British

6 Geo. 2. C. 33.

subjects, is directed to be paid. IV. And whereas the dispatch of Ships to the Greenland Seas, Davis's Streights, and feas adjacent, on the whale fishery, must of necessity be within the months of March or April, and some British Ships for the Jake of keeping the men that have been taught the art of the faid fishery in employ, and to prevent their going into foreign fervice, may have been fitted out from the river of Thames, or other parts of his Majefly's British dominions, and proceeded on the faid whale fishery to the Greenland Seas, or Davis's Streights, and seas

adjacents



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adjacent, since the commencement of this session of parliament; and it will therefore be but sust and reasonable, that the bounties intended to be given on the return of ships hereaster to be sitted out on such voyage should be given also to the owners of such ships already sailed upon such voyage, and not yet returned; be it therefore enacted by the au-Ships that thority aforesaid, That every owner or owners of any ship or have already ships already sailed on the said voyage and sishery respectively, sailed intitled who have conformed themselves in all respects to the rules and directions prescribed by the said last-mentioned act of the sixth year of his present Majesty, such owner and owners shall, and they are hereby declared to be intitled to, and the receiver general of the customs, in that part of Great Britain whence the ship departed, is hereby impowered and required to pay the said respective sums of twenty shillings, and twenty shillings per ton according to the admeasurement of such ship or ships respectively.

V. And be it further enacted by the authority aforesaid, That vessels sitted from and after the said twenty ninth day of September, one thou- out in Americand seven hundred and forty nine, every ship built or sitted ca, to be licentout in any of his Majesty's dominions in America, of two hun-sed to proceed dred tons and upwards, and not being more than two years old son the whale from the first building thereof, that proceeds from any port in his Majesty's American dominions on the said whale sishery, manned and navigated as by the laws now in force is directed.

his Majesty's American dominions on the said whale fishery, manned and navigated as by the laws now in force is directed. which shall before she proceed on such voyage, be visited by the proper officer or officers of the cultoms belonging to fuch port, who shall take an account of the tonnage thereof, in such manner as is directed by the faid last mentioned act concerning British ships who should be intitled to the benefits of the said act, and shall certify such his or their visitation, examination, and admeasurement, to the governor or commander in chief of the place where such ship shall be fitted out, or to the naval officer of fuch port; and if it appear by the faid certificate of fuch officer or officers, that she had, at the time of giving such certificate, on board fuch a number of men, provisions, boats, fishing lines, and instruments to be used in such fishery, as is required by the faid last mentioned act of British ships which should be intitled to the benefit of the said act, and that she is a ship strongly built, and otherwise a ship proper for such voyage and fishery, and had, at the time of granting the said certificate, on board among her crew such a number of harpooneers, steersmen, and line-managers, who had before been employed in such voyages (the names of such persons to be contained in fuch certificate) according to the directions of the faid last mentioned act concerning British ships to be employed in the said fishery; and if the owner or owners, and master or chief offices of such ship shall, in writing, at the foot of such certificate. make such oath before the governor, commander in chief, or naval officer (who are hereby impowered and required to administer such oath) as is required by the said last mentioned act of the owner or owners, and mafter or chief officer of fuch Britift ship as aforesaid, and likewise that such ship is not more

than

#### Anno vicesimo secundo Georgii II. c. 45. 1749. 868

than two years old from the first building thereof; and if the master shall likewise, after such certificate had, and oath made, become bound with fuch fureties, in fuch penalty and condition as is mentioned in, and required by the said last mentioned act to be given by the masters of such British ships as aforesaid, which faid bond is required to be taken by the governor or commander in chief, or naval officer of such place from whence the faid ship is so fitted out; then, and in all such cases, it shall and may be lawful for the faid governor, or commander in chief, or naval officer, and they are hereby required to give and grant to the master and owners of such ship full licence and authority to proceed on fuch voyage.

On arrival of certificates,

VI. And be it further enacted by the authority aforesaid, That fuch veffels in on the arrival of such ship at the port in Great Britain, to which Great Britain, the faid master and mate declared on oath they intended to proficers to grant ceed after their intended voyage to the Greenland Seas, or to Davis's Streights, or to the seas adjacent, or on their arrival at some other port of Great Britain where they shall unload, the proper officers of the customs of such port shall proceed in such manner, and make fuch schedule, as is directed by the said lastmentioned act concerning British ships who were to be intitled to the benefits of the said act; and such schedule, certificate, licence, and oath shall be transmitted to the respective commissioners of his Majesty's customs for that part of Great Britain in which such ship shall arrive after her said voyage to the Greenland Seas, or Davis's Streights, or the seas adjoining; and such and the boun- commissioners being satisfied of the faithful dealings of the maties to be paid. Ster and other persons employed in such ships, with respect to fuch voyage and fishery, shall, on demand, cause payment to be made to the master or owners, or to his or their assigns, by the receiver general of the customs of that part of Great Britain at which the faid ship shall arrive as aforesaid, of the sum of twenty shillings, and twenty shillings per ton, according to the admeasurement of such ship duly certified as aforesaid, in like manner as to the owners and masters of British ships who are intitled to the faid bounties by virtue of the faid last-mentioned,

Regulations to for the whale filhery.

or by this act of parliament. VII. And be it enacted by the authority aforesaid, That all be observed by ships that shall be fitted out for the whale fishery in America, thips fitted out after having conformed to all the rules and restrictions of an act made in the fixth year of his present Majesty's reign, intituled, An all for the further encouragement of the whale fishery, stall fail from such port where surveyed directly on her intended fishery. on or before the first day of May, and shall not depart or leave Davis's Streights or Greenland, and seas adjacent, before the twentieth day of August, unless they have such success as to fill all or so many casks with blubber, which shall amount to not less than two hundred hogsheads, for a ship of three hundred tons, and so in proportion for a ship of two hundred tons and upwards, or should meet with any unavoidable accident, so as to endanger the lives of the ship's crew, which accident shall be declared



# Anno vicelimo fecundo Georgii II. c. 45.

on the oaths of the master, mate, carpenter, harpooneers, linemanagers, boat-steerers, and surgeon belonging to such ship, or fuch of them as shall be living at the time of their arrival in port, to the satisfaction of the commissioners of his Majesty's customs in the port of London or Edinburgh respectively; and in case of any irregular proceeding contrary hereunto, every

thip so offending shall lose the benefit of this bounty.

VIII. And be it further enacted by the authority aforesaid, for Foreign protethe encouragement of such foreign protestants as shall be will- stants serving ing to serve on board the ships which shall be fitted out by his board English Majesty's subjects to be employed in the said fishery, That every thips employperson born out of the legiance of his Majesty, his heirs and ed in the whale fuccessors, being a protestant, who shall serve during the space fishery, and of three years, on board any ship which shall be so fitted out, themselves, to as is directed by the said act of the fixth year of his present be deemed na-Majesty's reign herein before mentioned, or by this act, and which tural born shall be employed in such fishery as aforesaid, and which person subjects. shall take and subscribe the oaths, and make, repeat, and subicribe the declaration appointed by an act made in the first year of the reign of his late majesty King George the First, intituled, An act for the further security of his Majesty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales; which faid oaths shall be taken and subscribed, and declaration made, repeated, and subscribed in the courts of Chancery, King's Bench, Common Pleas, or Exchequer, in term time in England, or in any of them, in open court, or before the lords of the council and fession, or lords justiciary, or barons of the Exchequer in Scotland, or at some general quarter sessions of the peace, to be held for the county where such person does or shall inhabit, reside, or settle, between the hours of nine and twelve in the forenoon, the taking and subscribing of which oaths, and the making and repeating, and fubscribing such declaration, shall be entered on record in the fame courts, for the doing whereof, only one shilling shall be paid; every fuch person and persons shall be deemed, adjudged, and taken to be his Majesty's natural-born subject and subjects of this kingdom, to all intents, constructions, and purposes, as if he and they had been, and were born in this kingdom.

IX. Provided always, and be it enacted by the authority a- Persons that foresaid. That no person shall be naturalized by virtue of this shall be natuact, unless such person shall have received the facrament of the ralized by this Lord's supper in some protestant or reformed congregation in facrament in his Majesty's dominions, within three months next before his some protetaking such oaths, and making and subscribing such declaration, stant church. and shall, at the time of his taking such oaths, and making and subscribing such declaration, produce a certificate signed by the person administering the said sacrament, and attested by two credible witnesses, whereof an entry shall be made in the court where fuch oaths shall be taken, without any fee or reward, and shall also produce a certificate at the same time, under the hands VOL. XIX.

of



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of the owner and mafter of the ship or vessel in which he or they shall have so served, of his or their integrity and good behaviour

during the whole time of fuch fervice.

Such persons are excluded from certain offices, &c.

X. Provided always, and be it further enacted, That no person who shall become a natural-born subject of this kingdom by virtue of this act, shall be of the privy council, or a member of either house of parliament, or capable of taking, having, or enjoying any office or place within the kingdoms of Great Britain or Ireland, either civil or military, or taking any grant to himself, or to any other in trust for him, of any lands, tenements, or hereditaments, within the kingdoms of Great Britain or Ireland; any thing herein before contained to the con-

trary thereof in any wife notwithstanding.

None to be naturalized by this act, who are excluded by 4 Geo. 2. C. 31.

Persons natu-

at.

XI. Provided also, and it is hereby enacted by the authority aforesaid, That nothing in this act shall extend, or be construed to extend, to naturalize any person or persons whatsoever, who, by virtue of an act made in the fourth year of his Majesty's reign, (intituled, An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen Anne, for naturalizing foreign protestants, which relates to the children of natural-born subjects of the crown of England, or of Great Britain) are declared and enacted not to be intitled to the benefit of the said act of the seventh year of her said late Majesty's reign, but that all fuch persons shall be and remain in the same state, plight, and condition, to all intents, constructions, and purposes whatsoever, as they would have done if this act had never been made; any thing in this act contained to the contrary in any wife notwithstanding.

XII. Provided always, and be it enacted by the authority aralized, going foresaid, That if any person so naturalized by virtue of this act, out of his Ma- shall go out of his Majesty's dominions in Great Britain or Irenionsfor more land, or any of his Majesty's plantations in America, for more than I year, to than the space of twelve months, at any one time, such person lose the bene- shall lose the benefit of this act, to all intents and purposes

whatfoever.

## CAP. XLVI.

An all to continue several laws for preventing exallions of the occupiers of locks and wears upon the river Thames westward, and for ascertaining the rates of water carriage upon the said river; and for continuing, explaining, and amending the several laws for the better regulation of attornies and solicitors; and for regulating the price and affize of bread; and for preventing the spreading of the distemper among st the borned cattle; and also for making further regulations with respect to attornies and solicitors; and for further preventing the spreading of the distemper amongst the borned cattle; and for the more frequent return of writs in the counties palatine of Chester and Lancaster >



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caster; and for ascertaining the method of levying writs of execution against the inhabitants of hundreds; and for allowing Quakers to make affirmation in cases where an oath is or shall be required.

HEREAS the laws herein after mentioned (which have by experience been found useful and beneficial) are near expiring; may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, 3 Geo. 2. c. and commons, in this present parliament assembled, and by the ir. continued authority of the same, That an act made in the third year of to 1 June, 1750. the reign of his present Majesty, intituled, An all for reviving EXP. and amending an all made in the fixth and seventh years of the reign c. 8. of bis late majesty King William the Third, intituled, An act to prevent exactions of the owners of locks and wears upon the river of Thames westward, and for ascertaining the rates of water carriage upon the faid river; which was to continue in force from the first day of May, one thousand seven hundred and thirty, for the term of nine years, and from thence to the end of the then next fession of parliament; and which by another act made in the thirteenth year of the reign of his present Majesty, for continuing several laws therein mentioned, was further continued from the expiration thereof, until the first day of June, in the year of our Lord one thousand seven hundred and forty feven; and which by another act made in the twentieth year of the reign of his present Majesty, for continuing feveral laws therein mentioned, was further continued till the first day of June, one thousand seven hundred and forty nine, shall be, and the same is hereby further continued from the expiration thereof, till the first day of June, which shall be in the year of our Lord one thousand seven hundred and fifty.

II. And be it further enacted by the authority aforefaid, That 2 Geo. 2. C. 23. an act made in the second year of the reign of his present Ma-continued to jesty, intituled, An act for the better regulation of attornies and so- 24 June, 1757; licitors, which was to be in force from the first day of June, one thousand seven hundred and twenty nine, for the term of nine years, and from thence to the end of the then next session of parliament; and which by an act made in the twelfth year of his present Majesty, for continuing several laws therein mentioned, was explained and amended, and further continued until the twenty fourth day of June, one thousand seven hundred and forty eight, and from thence to the end of the then next fession of parliament, shall be, and the same is hereby, together with the alterations and amendments made by the faid act of the twelfth year of his present Majesty, and those herein aftermentioned, further continued, from the expiration thereof, until the twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty seven, and from thence to the end of the then next session of parliament.

III. And for the better preventing unqualified persons from B b 2 being

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> being admitted attornies and folicitors, and for rendering the said act more effectual for the purposes thereby intended; be it

> from and after the first day of July, one thousand seven hun-

dred and forty nine, be bound by contract in writing to ferve as

Persons bound enacted by the authority aforesaid, That every person who shall, to ferve as clerks to attornies, to cause affidavit a clerk to any attorney or solicitor, as by the said act is directed, to be made within three months of the execution of luch contracts, &c.

filed.

tom thereof.

shall, within three months next after the date of every such contract, cause an affidavit to be made and duly sworn of the actual execution of every such contract, by every such attorney or solicitor, and the person so to be bound to serve as a clerk as aforefaid; and in every such affidavit shall be specified the names of every such attorney and solicitor, and of every such person so bound, and their places of abode respectively, together with Affidavit to be the day of the date of such contract; and every such affidavit shall be filed within the time aforesaid, in the court where the attorney or solicitor to whom every such person respectively shall be bound as aforesaid, hath been inrolled as an attorney or solicitor, with the respective officer or officers, or his or their respective deputy or deputies, in the respective courts herein aftermentioned, who shall make and sign a memorandum or mark

None to be admitted before such affidavit be produced.

IV. And be it further enacted, That no person who shall, after the said first day of July, become bound as aforesaid, shall be admitted or inrolled an attorney or folicitor in any court in the said act mentioned, before such affidavit, so marked by the proper officer as aforesaid, shall be produced and openly read in fuch court, where such person shall be admitted and inrolled an attorney or folicitor.

of the day of filing every such affidavit at the back or at the bot-

Officers who are to file fuch affidavits.

V. And it is hereby enacted and declared, That the several persons following shall be deemed and taken to be the proper officers for filing such affidavits in the respective courts herein after-mentioned (that is to fay) in the high court of Chancery, the senior clerk of the petty bag office, or his deputy; in the court of King's Bench, the chief clerk of that court, or his deputy; in the court of Common Pleas, the clerk of the warrants of that court, or his deputy; in the court of Exchequer, the King's remembrancer of that court, or his deputy; in the court of the dutchy chamber of Lancaster at IVestminster, the chief clerk of that court, or his deputy; and in the several counties palatine of Chester, Lancaster, and Durham, the respective prothonotaries of the said counties palatine, and their respective deputies; and in the several courts of the great sessions of Wales, the respective prothonotaries of the said courts, and their respective deputies.

Book to be' kept for enterabode of every fuch attorney, and ciesk, &c.

VI. And be it further enacted, That every such officer or officers, or their respective deputy or deputies, filing such affidavit and places of as aforesaid, shall keep a book, wherein shall be entered the substance of such affidavit, specifying the names and places of abode of every fuch attorney or folicitor, and clerk or person bound as aforesaid, and of the person making such affidavit, with the date



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of the articles or contract in such affidavit to be mentioned, and the days of swearing and filing every such affidavit respectively; and every fuch officer or officers, or his or their deputy or deputies, shall be at liberty to take, at the time of filing every such affidavit, the fum of two shillings and fix pence, and no more, as a recompence for his trouble in filing such affidavits, and Fees for filing preparing and keeping such books as aforesaid, and which said the affidavits. books shall and may be searched in office hours, by any person or persons whatsoever, without fee or reward.

VII. And be it further enacted, That from and after the said No attorney first day of July, no attorney or solicitor shall take, have, or re- to take, &c. a tain any clerk, who shall become bound by contract in writing discontinuing as aforesaid, after such attorney or solicitor shall have disconti-business. nued or left off, or during such time as he shall not actually practife as, or carry on the business of an attorney or solicitor.

VIII. And be it further enacted. That every person who shall, Clerks to be from and after the said first day of July, become bound, by con-employed in tract in writing, to serve any attorney or solicitor, as by the said their proper act is directed, shall, during the whole time and term of service, ing the time to be specified in such contract, continue and be actually em- of their conployed by such attorney or solicitor, or his or their agent or a- tract. gents, in the proper bufiness, practice, or employment of an

attorney or folicitor.

IX. Provided always, and it is hereby enacted, It any such Affidavit of attorney or folicitor, to or with whom any fuch person shall be the execution so bound, shall happen to die before the expiration of such term, of second or shall discontinue or leave off such his practice as aforesaid, or if such clerks, fuch contract shall by mutual consent of the parties be cancelled, the service of or in case such clerk shall be legally discharged by any rule or 5 years to be order of the court, wherein such attorney or solicitor shall prac-deemed effectife, before the expiration of fuch term, and fuch clerk shall in any of the said cases be bound by another contract, or other contracts, in writing to serve, and shall accordingly serve in manner herein before-mentioned, as clerk to any other fuch practifing attorney or attornies, folicitor or folicitors as aforefaid respectively, during the residue of the said term of five years, then fuch service shall be deemed and taken to be as good, effectual, and available, as if fuch clerk had continued to ferve as a clerk for the said term, to the same person to whom he was originally bound, so as an affidavit be duly made and filed of the execution of such second or other contract or contracts, within the time, and in like manner, as is before directed concerning fuch original contract.

X. And be it further enacted, That every person who, from Clerks, before and after the said first day of July, shall become bound as a clerk admitted, to as aforesaid, shall, before he be admitted an attorney or solicitor make assidavit according to the said act, cause an affidavit of himself, or such a having tervattorney or solicitor, to whom he was bound as aforefaid, to be duly made and filed with the proper officer herein before for that purpose appointed, that he hath actually and really served and been employed by fuch practifing attorney or attornies, to-

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licitor

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licitor or folicitors, to whom he was bound as aforefaid, or his or their agent or agents, during the faid whole term of five years,

according to the true intent and meaning of this act.

XI. And whereas divers persons who are not examined, sworn, or admitted to all as attornies or solicitors in any court of law or equity, do, in conjunction with, or by the affistance or connivance of certain fworn attornies and folicitors, and by various subtle contrivances, intrude themselves into, and all and practise in the office and business of attornies and solicitors, to the great prejudice and loss of many of his Majesty's subjects, and the scandal of the profession of the law; be it therefore enacted, That from and after the twenty ninth nies acting as day of September, which shall be in the year of our Lord one agents for perthousand seven hundred and forty nine, if any sworn attorney or solicitor shall act as agent for any person or persons, not duly qualified to act as an attorney or folicitor as aforefaid, or permit or suffer his name to be any ways made use of upon the account, or for the profit of any unqualified person or persons, or fend any process to such unqualified person or persons, thereby to enable him or them to appear, act, or practife in any respect as an attorney or solicitor, knowing him not to be duly qualified as aforesaid, and complaint shall be made thereof in a furnmary way to the court from whence any fuch process did issue, and proof made thereof, upon oath, to the satisfaction of the court, that such sworn attorney or solicitor hath offended therein as aforefaid, then, and in such case, every such attorney or folicitor so offending, shall be struck off the roll, and for ever after disabled from practifing as an attorney or solicitor; and in that case, and upon such complaint and proof made as aforesaid, it shall and may be lawful to and for the said court to commit fuch unqualified person, so acting or practising as aforefaid, to the prison of the said court, for any time not exceeding one year.

Sworm aftor-

fons not qua-

lified, &c.

to be firuck off the roll,

and to be committed.

> XII. And whereas frequent delays, inconveniencies, and unnecessary expences arise and happen, as well to parishes as private persons, by the mismanagement and unskilfulness of persons employed as solicitors

> or agents at the sessions held for the several counties, ridings, divifroms, cities, towns corporate, and other places of this kingdom, who having never been regularly bred to the law, and being ignorant of the forms and operations thereof, offenders against the laws of the land have frequ nt'v escaped with impunity: for remedying therefore of these inconveniencies, be it enacted by the authority

aforesaid, That from and after the twenty ninth day of Sepattornies who tember, which shall be in the year of our Lord one thousand feven hundred and forty nine, no person whatsoever shall act as mitted accord- a folicitor, attorney or agent, or fue out any process, at any general or quarter sessions of the peace for any county, riding, division, city, town corporate, or other place within this king-

dom, either with respect to matters of a criminal or civil nature, unless such person shall have been heretofore admitted an atterney of one of his Majesty's courts of record at Westminster, and duly inrolled pursuant to an act made in the second year of his

were not ad-2 Geo. 2. C.13.

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present Majesty's reign, (intituled, An act for the better regulation of attornies and foliciters) or unless such person shall hereaster be admitted an attorney, and inrolled as aforefaid by virtue of this act, or fuch other law as shall be then in being, and unless such person shall continue so entered upon the roll, at the time of fuch his acting in the capacity aforefaid; but all and every person or persons respectively, who shall so act, not being admitted and inrolled as aforefaid, shall be subject and liable to a penalty Penalty so I. of fifty pounds; to be recovered by action of debt, bill, plaint, or information, in any of the courts of record at Westminster, by any person or persons who shall sue for the same, within with treble twelve months after the offence committed, with treble costs of costs. fuit; and if any attorney or attornies shall permit and suffer Attornies sufany person or persons whatsoever, not being admitted and in- fering persons: rolled as aforesaid, to make use of his or their name or names not admitted respectively, in the courts of general or quarter sessions afore- to use their faid, fuch attorney or attornies respectively shall be subject and feit 50 L liable to a like penalty of fifty pounds, to be recovered in man- See 23 Geo. 2. ner aforefaid.

XIII. Provided always, That nothing herein contained shall Persons exextend, or be construed to extend, to deprive the attornies of empted. the dutchy of Lancaster, or of the courts of great sessions in Wales, or of the counties palatine of Chester, Lancaster, and Dur-

bam, from acting within their respective jurisdictions.

XIV. And, to the end that justice may be impartially admi- No clerk niftered in the several general or quarter sessions of this king- the peace, clerk of the peace, or his deputy, nor any under theriff, or his &c. to act as clerk of the peace, or his deputy, nor any under sheriff, or his attornies, &cc. deputy, shall, from and after the faid twenty ninth day of Sep- at quarter feltember, act as a folicitor, attorney, or agent, or fue out any pro- fions for the cels, at any general or quarter sessions of the peace to be held county, &c. for fuch county, riding, division, city, town corporate, or other place within this kingdom, where he shall execute the office of clerk of the peace, or deputy clerk of the peace, under sheriff, or deputy, on any pretence whatfoever; but if any clerk of the peace, or his deputy, or any under sheriff, or his deputy, shall prefume to act as a solicitor, attorney, or agent as aforesaid, fuch clerk of the peace, or his deputy, under theriff, or his deputy respectively, shall be subject and liable to a like penalty of Penalty 50 l. fifty pounds, to be recovered in manner aforefaid.

XV. And whereas several persons have been bound by articles in writing to attornies of one of his Majesty's courts at Westminster, to serve them as their clerks for the term of five years, which attornies bave died before the expiration of the said five years, and after their deaths such persons so bound have served the remainder of the faid term with some other attornies of the Said courts, but have neglected to enter into articles with the faid other attornies for the remainder of the term of five years, and therefore doubts have arisen, whether fuch persons could be admitted attornies of any of his Majefty's courts, by reason that such service was not strictly in pursuance of the direction of the before-mentioned act; be it therefore enacted

B b 4

Clerks, whose

maiters have died, ferving

their times

with others

without fresh contracts, to

be admitted.

Anno vicesimo secundo Georgii II. c.46.

and declared by the authority aforesaid, That all such persons who shall have been so bound as aforesaid for the term of five years to attornies of any of his Majesty's courts at Westminster, the rendue of

which said attornies shall have died before the determination of the faid term, if such persons shall afterwards, and before the twenty fifth day of March, one thousand seven hundred and forty nine, have served the residue of the said term of five years, with some other attornies of one of his Majesty's said courts, though without entering into any new articles, such persons having so ferved during the said term of five years, shall and may be admitted attornies in any of his Majesty's courts at Westminster;

any thing in the said act, or in this present act, contained to the contrary in any wife notwithstanding.

Persons adclerks in the office of the fix clerks, or years, &c.

XVI. And be it further enacted by the authority aforefaid, mitted sworn. That any person who shall have been admitted a sworn clerk in the office of the fix clerks of the court of Chancery, or shall have been bound by contract in writing, to serve as a clerk for bound for five and during the space of five years, to a sworn clerk in the said office, and for and during the said term of, five years shall have continued in such service, or shall have continued in such service for the space of three years, or more, and shall have been admitted a waiting clerk, and acted as fuch during the refidue of the faid term of five years, may be examined, sworn, and admitted and inrolled as a folicitor, in the same manner as solicitors in courts of equity are by the faid act required to be examined, sworn, admitted, and inrolled; any thing in the said act to

the contrary notwithstanding.

new be ad. matted folicitors.

Clerks, whose matters have died, &c. entering into fresh contracts, and ferving the relidue of sheir time, the fame to be effectual.

Ma fworn clerk

than two

elerks.

XVII. Provided also, and it is hereby further enacted, That if any fworn clerk in the faid fix clerks office, with and to whom any person hath been, or shall be bound by contract in writing as aforesaid, to serve as a clerk for the term of five years, shall happen to die before the expiration of the faid term of five years, or if such contract shall, by mutual consent of the parties, be vacated, or in case such clerk be legally discharged by any rule or order of the faid court of Chancery, before the expiration of the said term of five years; then, and in any of the said cases, if fuch clerk shall by contract in writing be obliged to serve, and shall accordingly serve as a clerk to any other sworn clerk in the faid fix clerks office, or to any folicitor who shall be sworn, admitted, and inrolled, pursuant to the said act of the second year of his present Majesty, during the residue of the said term of five years, then such service shall be deemed and taken to be as good and effectual as if such clerk had continued to serve as a clerk for the term of five years to the same person to whom he was originally bound by contract in writing as aforefaid.

XVIII. Provided always, and it is hereby further enacted by to have more the authority aforesaid, That no sworn clerk in the said six clerks office shall have more than two clerks at one and the same time, including the clerk who shall be entered on the roll kept by the master of the rolls, or his secretary for that pur-

pole.

XIX. Pro-

1749.

### Anno vicesimo secundo Georgii II. c. 46. 1749.

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XIX. Provided also, and it is hereby further declared and Persons exenacted by the authority aforesaid, That nothing in this act con-empted. tained shall extend or be construed to extend to the taking or binding, examination, swearing, admission, or inrollment of the attornies, or clerks of the offices of the King's remembrancer, treasurer's remembrancer, pipe, or office of pleas, in the court of Exchequer at Westminster for the time being, but that the said attornies, and clerks of the said respective offices shall and may be taken, bound, approved, sworn, admitted, and practise in the faid court of Exchequer, in like manner as they usually have been, and might have done before the making of this act, and may practife in any other of the courts of record before-mentioned, in the name, and with the consent of some sworn attorney of such court, such consent being in writing, and signed by fuch attorney as aforefaid, in the manner as they have usually been and might have done before the making of this act; any thing herein contained to the contrary notwithstanding.

XX. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of her late majesty Queen Anne, intituled, An act to regulate the price and 8 Annæ, c. 18. affixe of bread; which was to be in force for three years, and from thence to the end of the then next session of parliament, and by an act made in the first year of the reign of his late majesty King George, for continuing several laws therein mention- 1Geo. 1. c -6. ed, was explained, amended, and continued for the further term of three years, and from thence to the end of the then next feffion of parliament, which said act and alterations had further continuance by several subsequent acts, and was by an act made in the said twelfth year of the reign of his present Majesty ex- 12 Geo. 2. plained and amended, and further continued from the expira- c. 13tion thereof, to the twenty fourth day of June, in the year of our Lord one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament, shall be, and the same is hereby, together with the alterations and amendments herein after-mentioned, further continued from continued to the expiration thereof, until the twenty fourth day of June, 24 June, 17576 which shall be in the year of our Lord one thousand seven hundred and fifty seven, and from thence to the end of the then

next fession of parliament. XXI. And whereas it is often very difficult for the magistrate or justice or justices of the peace before whom bread is complained of, to know under what denomination the bread ought to be weighed, purfuant to the directions of the faid acts of the eighth of Queen Anne, and first of his late Majesty; be it enacted by the authority aforefaid, That every common baker, and every person who shall Bakers to immake or bake for sale, or any ways expose to sale, any sort of print on every bread whatsoever, shall, from and after the first day of August, loaf a certain which shall be in the year of our Lord one thousand seven hun- letter, dred and forty nine, fairly imprint or mark or cause to be imprinted or marked, on every loaf so by him made or exposed to fale, the letters herein after mentioned (that is to fay) upon

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> every loaf exposed to sale as white bread, a large Roman W. and upon every loaf exposed to sale as wheaten bread, a large Roman W H. and upon every loaf exposed to sale as houshold bread, a large Roman H. and every person selling, or exposing to sale, not marked as aforesaid, shall forfeit and pay the sum of twenty shillings to the informer, the said forfeiture to be adjudged, levied, and recovered, in fuch manner as the penalties laid upon persons selling or exposing to sale any bread deficient in weight, are by the faid act of the first of his faid late Majesty's

reign to be adjudged, levied, and recovered. XXII. Provided always, That nothing in this act shall ex-

tend, or be construed to extend, to any sort of bread, but what is mentioned in the faid acts of the eighth of Queen Anne, and

the first of his late Majesty. XXIII. And be it further enacted by the authority aforesaid, 19 Geo. 2. That an act made in the nineteenth year of the reign of his pre-C. 5.

kent Majesty, intituled, An act to enable his Majesty to make rules, orders, and regulations, more effectually to prevent the spreading of the distemper which now rages amongst the horned cattle in this kingdom, which was to continue and be in force for the space of eight months, and to the end of the then next fession of parliament; and which by an act made in the twentieth year of the reign of his present Majesty, was explained, amended, and continued, and to be in force with the faid last-mentioned act, for the space of eight months, from the tenth day of January, one thousand seven hundred and forty fix, and from thence to the end of the then next fession of parliament; and which said acts, by an act made in the twenty first year of the reign of his present Majesty, for continuing several laws therein mentioned, were further continued, from the expiration thereof, until the twenty fourth day of September, one thousand seven hundred and forty eight, and from thence to the end of the then next session of parliament; shall be, and the same are hereby further continued, from the

expiration thereof, until the twenty fourth day of September, one thousand seven hundred and forty nine, and from thence to the end of the then next fellion of parliament.

XXIV. And whereas it is apprehended, that the distemper which fill rages amongst the horned cattle, has been greatly spread and increased by tanners and others buying the hides and skins of infected beasts, and carrying the same secretly to their tan-yards: Wherefore for preventing the same for the future, be it enacted by the authogive notice tority afpresaid, That every tanner, tawer, or dresser of hides or the excise of- skins shall, before he brings any raw hide or skin of any bull, ficer before he skins shall, before he brings any raw hide or skin of any bull, ox, cow, calf, steer, or heifer, into his tan-yard, workhouse, rawhides, &c. warehouse, or place used for dressing or manufacturing of hides, or fkins, give notice to the officer of excise of the district in which fuch tan-yard or dreffing-place is fituated, and whose furvey the faid tanner, tawer, of dreffer of hides shall be under and subject to for the time being, and produce to the faid officer a certificate, under the hand and feal, or hands and feals, of one or more justice or justices of the peace, or commissioner or commission-

Limitation of this regulation.

wader penalty

of 20%.

20 Geo. z. C. 4.

21 Geo. 2. C. 33-

continued to 24 Sept. 1749.

Farther contimued by 27 Geo. 2. E. 14.

Tanner to brings any into his tanyard, &cc.



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ers of the land tax, specifying the colour of such hide or skin, the name and place of abode of the owner of fuch hide or fkin, and that upon examination on oath of one or more credible perfon or persons, it appeared to the person or persons signing and fealing fuch certificate, that the beaft from which fuch hide or. skin was taken was found, and free from any infection; which certificate shall by the said officer be entered into a book to be kept for that purpose; and if any tanner, tawer, or dresser of hides or skins, shall bring or suffer to be brought into his tanyard or tan-pits, or other place used for dressing or manufacturing hides or skins, any such raw hide or skin, or shall tan or drefs, or manufacture any fuch raw hide or skin, without giving such notice, and producing such certificate as aforesaid, every person so offending shall, for every such offence, forfeit the sum Penalty of 10. of ten pounds, to be recovered, levied, and applied, as the feveral forfeitures are by the said act of the nineteenth year of his present Majesty's reign, to be recovered, levied, and applied.

XXV. And it is hereby further enacted, That all and every Officers imor any of the officers of excise, acting and employed in any dis-powered to trich wherein any tan-yard, workhouse, or warehouse, or place enter tanfor dreffing or manufacturing of hides or skins is situate and be- yards, &c. to ing, shall and may, at all times, by day or by night (and if in hides brought the night, then in the presence of a constable, or other lawful in contrary to officer of the peace) be permitted, upon his or their request, to this act, &c. enter into any fuch tan-yard, workhouse, warehouse, or place, in order to fearch for hides and skins suspected to be brought and conveyed into the same respectively, contrary to, and against the tenor and true meaning of this act, and then and there to search and examine, or cause to be searched or examined, any tan pit, fat, or other place, were any fuch hide or skin is suspected to be laid, hid, put, or concealed; and if any tanner, tawer, or other person or persons whatsoever shall obstruct or hinder any such officer or officers in the execution of his or their duty, power, or authority given to, vested in, and required of him and them respectively by this act, every person so offending, and being thereof lawfully convicted as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds, to be recovered, applied, and disposed of in manner afore-mentioned.

XXVI. And whereas it is necessary to encourage and promote the breeding of cattle, the number being greatly decreased by the said mor- His Majesty tality; be it therefore enacted by the authority aforefaid, That it impowered to shall and may be lawful for his Majesty, by advice of his privy killing cow. council, to prohibit and forbid the killing or flaughtering of cow calves. calves; in fuch counties and places, and in fuch manner, and at fuch times, as his Majesty, during the continuance of the said acts of the nineteenth and twentieth years of his present Majesty's reign, shall judge proper; and all and every person offending against forfeit 40s. such order and prohibition, shall forfeit and pay the sum of forty shillings, to be recovered, levied, and applied, as other forfeitures by the faid acts are to be recovered, levied, and applied.

XXVII. And to prevent the spreading of the said infectious distemper, by persons who frequently buy up cattle in infected places,

prohibit the

Anno vicesimo secundo Georgii II. C.46. 380 1749.

Offenders to fortent 101.

Penalty of giving fake certificates.

Regulations to if any ficken on the road.

places, and soon after dispose of the same in places free from the infection, contrary to the true intent and meaning of the faid acts, and the orders and regulations made by his Majesty in council, be it enacted by the authority aforesaid, That from and after the first day of July, one thousand seven hundred and forty Regulations to nine, no person whatsoever, by himself, his servant, or agent, be observed by shall sell or dispose of any living ox, bull, cow, calf, steer, or heithe sellers of fer, until the same shall have been the property of such person horned cattle. for the term of forty days at the least; and in proof of such property, the seller shall produce a certificate, under the hand of the person of whom such ox, bull, cow, calf, steer, or heifer, was last bought or purchased, signifying the time when he purchased the same; and every person who shall sell or dispose of any ox, bull, cow, calf, steer, or heiter, without producing such certificate, and shall be thereof convicted by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any justice or justices of the peace for the county, riding, division, city, liberty, or town corporate where the offence shall be committed, shall, for every ox, bull, cow, calf, steer, or heifer, so sold or disposed of, forfeit and pay the fum of ten pounds, unless such person shall by himself, his agent, or servant, make oath before the said justice or justices (which oath the said justice or justices is and are hereby impowered to administer) that the said ox, bull, cow, calf, steer, or heifer, has been his property for more than forty days, the said forfeiture to be adjudged, levied, and recovered in such manner as the penalty of ten pounds is, by the faid act of the nineteenth year of the reign of his present Majesty, to be adjudged, levied, and recovered; one moiety of the faid forfeiture to be given to the informer, and the other moiety to the poor of the parish where the offence shall be committed.

XXVIII. And be it further enacted by the authority aforefaid, That every person who shall, from and after the said first day of July, sell or dispose of any ox, bull, cow, calf, steer, or heifer, and shall give a false or untrue certificate of the time of the fale of fuch cattle, and every person who shall accept of such false or untrue certificate, knowing the same to be such, shall forfeit and pay the like fum of ten pounds, to be adjudged, levied, recovered, and disposed of in the manner above-directed.

XXIX. And be it enacted by the authority aforesaid, That be observed by from and after the first day of July, which shall be in the year the drivers of of our Lord one thousand seven hundred and forty nine, if any horned cattle, drover, or person or persons driving and conducting horned cattle from one place to another, shall find any beast or beasts in his drift ficken upon the road, so to as be unable to proceed forward in their journey, fuch drover, or person or persons driving fuch horned cattle, shall forthwith give notice thereof to the constable, head-borough, or churchwarden of the parish or place wherein such beast or beasts shall sicken, in order that the same may be flain and burie , the skin being first slathed, if deemed to be ill of the distemper now raging amongst the horned cattle,



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in the opinion of the officer of fuch parish or place so summoned, and of two other substantial inhabitants of the said parish or place, whom the faid officer is hereby impowered, by a note in writing under his hand to fummon to his affiftance; and in case Offenders to any drover, or person or persons driving horned cattle, shall fail forfeit 10l. herein, or shall conceal or drive out of the way, without giving such notice, any such sick beast or beasts, he or they so offending, shall forfeit and pay ten pounds, to the use of the poor of fuch parish or place wherein such beast or beasts shall be found fick or dead, to be levied on his or their goods and chattels, by warrant under the hand and seal of any justice of the peace of the county, riding, division, liberty, city, or town corporate, wherein such drover, or person or persons driving such horned cattle shall be taken; and in case of nonpayment, such drover, and on nonor person or persons, shall be committed to the common gaol payment to be of fuch county, shire, stewartry, riding, division, liberty, city, committed. or town corporate, there to remain without bail or mainprize for the space of six calendar months, or until he or they shall

have paid the faid penalty.

XXX. And whereas his Majesty hath, in pursuance of the said alls of parliament, by his order in council, bearing date the twenty second day of March, one thousand seven hundred and forty seven, made and established certain rules, orders, and regulations for the better preventing the spreading of the said infection, and putting a stop to the distemper; which rules, orders, and regulations have been found beneficial; be it therefore enacted by the authority aforesaid, That the said order in council, and all the rules, orders, His Majesty's and regulations therein contained and inferted (except such and order in counso much of them, or any of them respectively, as his Majesty, cil declared to his heirs and successors, at any time or times during the conti- be valid, &c. nuance of the said former acts, shall, with the advice of his and their privy council, judge proper and expedient to repeal, alter, or vary) shall be in force, and the same, and also such other rules, orders, and regulations, variations and additions, as shall be made by virtue of, and in pursuance and under the power and authority of this present act, and the said former acts, shall be observed and obeyed by all his Majesty's subjects, during the continuance of the said former acts, under the penalty of ten Offenders to pounds, inflicted and directed to be levied by the faid former acts forfeit 101. for every offence committed against the same.

XXXI. And it is hereby further enacted and declared, That all the powers and authorities given by the faid order of council, Order of or which shall be given by any subsequent order of council by council, &c, to be executed virtue of the authority aforesaid, to justices of the peace, and and declared other magistrates, and to commissioners of the land tax, inspec-valid. tors, and other officers appointed in that behalf, shall be duly executed, and are hereby established, and enacted and declared to be as good and valid in the law, to all intents and purposes, during the continuance of the faid order or orders, as if the fame

were herein repeated, and expressy enacted.

XXXII. And be it further enacted, That from and after the fifteenth



Persons disobeying or obarneting, arc.

Anno vicetimo secundo Georges II. C. 46, 11749. fifteenth day of Jace, one thousand seven hundred and sorty

nine, all and every person and persons who shall by force or threats intimidate, hinder, or prevent the faid justices, magiftrates, commissioners, inspectors, or other officers, from executing the faid rules, orders, and regulations, or from performing their respective duties in relation thereto, or who shall enter into may combination, confederacy, or subscription, to disobey the faid order or orders in council, or to defeat, hinder, or prewent the execution thereof, shall over and beside the penalty inso forfeit. 50l. dicted by the said act, forfeit and pay the sum of fifty pounds; to be recovered by bill, plaint, fuit, or information, in any of his Majesty's courts of record at Westminster, by any person or persons who shall inform and sue for the same, to go and be paid -to and for the fole use and benefit of such person or persons res-

pectively, with full costs of fuit.

Limitation of actions

action or fuit shall be commenced against any person or persons for any thing done in pursuance of this or any of the said former acts, in every such case the action or suit shall be brought within fix calendar months next after the fact committed, and not afterwards, and in the county where the fact hath been, or

XXXIII. Provided, and be it further enacted, That if any

shall be committed, and not elsewhere; and the defendant and defendants in such action and suit to be brought shall and may General issue. plead the general issue, and give the special matter of his defence in evidence, at any trial to be had thereupon, and that the fame was done in pursuance of the said former acts, or this prefent act; and if the same shall appear so to be done, or such action or fuit to be brought after the time limited for bringing the tame, or thall be brought in any other county, place or places than where the fact was committed, then the jury shall find for the defendant or defendants; and upon such verdict, or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his or their action, after the defendant or defendants shall have appeared, or if upon demurrer, judgment shall be given against the plaintiff or plaintiffs, the defendant and defendants, in every

fuch case, shall and may recover treble costs, and have such remedy for the same, as any defendant or defendants hath or have

**Regulations** to be observed with regard to writs of execution fued out a gain& any hundred.

Treble colls.

1 Geo. 2. C. 16,

in any cales by law. XXXIV. And be it further enacted by the authority aforefaid, That no writ of execution hereafter to be fued out against the inhabitants of any hundred, on any judgment obtained by virtue of any act or acts of parliament whatfoever, shall be levied on any particular inhabitant or inhabitants of fuch hundred, but the sheriff or sheriffs shall, on receipt of every such writ, cause the same to be produced to two justices of the peace, in such manner as is directed by the statute made in the eighth year of his present Majesty's reign, intituled, An act for the amendment of the law relating to actions on the statute of Hue and Cry; and that thereupon the faid justices shall, in the manner directed by the faid act, cause a taxation to be made, levied, and collected, for railing and paying, as well the cofts and da-



### Anno vicesimo secundo Georgii II. c. 46. 1749.

mages recovered by the plaintiff or plaintiffs, as also all such just and necessary expences as any inhabitant or inhabitants of such hundred shall have been at in defending any such action, the same being first proved on oath, and the attorney's bill being first taxed in such manner as the said act directs; and the sums of money so to be levied and collected shall, within the time by the faid act limited, be paid to the sheriff or sheriffs, and by him or them paid or delivered over to the persons intitled to receive the

same, without any deduction, fee or reward whatsoever.

XXXV. Whereas all writs relating to actions depending in the court of session of Chester, or in the court of Common Pleas, held in and for the county palatine of Lancaster, are returnable at the great sessions, and sessions of assizes held respectively for the said counties, and at no other time, by which means no action that is commenced in the said courts can be brought to issue, and tried, before the next seffion or session of assizes but one after such action is commenced at the Soonest, which is usually near a year, and a great delay to the suitors of the said courts, and many other inconveniencies do attend the want of more frequent returns of writs in the said courts: for remedy whereof, and for the greater ease and benefit of the suitors in the same, be it further enacted by the authority aforesaid, That Regulations from and after the twenty ninth day of September one thousand in the returns feven hundred and forty nine, all writs of capias, and other of writs in the mesne process, to answer relating to any action or suit, to be court of sefbrought or commenced in the said courts of session for the said sion of Chescounty of Chester, and court of Common Pleas for the said counter, and the ty of Lancaster, that shall bear teste in the preceding session, or mon Pleas fession of assizes respectively, shall and may be made returnable of Lancaster, before his Majesty's justices of the said session at Chester, or sesfions of affizes for the county of Lancaster, on the lirst Wednesday of any month in each of the two vacations annually, betwixt the faid fession or sessions of assizes, or at the first day of the next session or sessions of assizes respectively, at the election of the plaintiff or plaintiffs, his, her, or their attorney, who shall fue out the same; and that all such writs or process which shall issue out of the said courts respectively, returnable in the vacations as aforefaid, and whereon or wherewith the defendant or defendants shall be arrested or served with a copy or copies, fuch defendant or defendants shall appear and file special bail, or enter a common appearance, as the case shall require, on the day of such return, or within eight days next after; and in case of neglect in bailable actions, the theriff, under theriff, or other officer, shall at the request and costs of the plaintiff or plaintiffs, in fuch action or fuit, his, her, or their attorney or agent, affign to such plaintiff or plaintiffs, the bail bond taken for the defendant's appearance upon the arrest, by indorsement and attestation under his hand in the presence of two or more credible witnesses; and the plaintiff or plaintiffs in such action, after such assignment made, may bring an action or suit upon such bail bond, in his or their own name or names; and the faid courts may, by rule or rules thereof respectively, give such re-

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lief to the plaintiffs and defendants in the original action, and to the bail, so sued upon the bail bond, as is agreeable to justice and reason; and in case of service, the copy of writs or process, returnable in the vacation time as aforesaid, and the defendant or defendants so served therewith, shall not appear at the return of such writ or process, or within eight days next after the return thereof as aforefaid, it shall and may be lawful to and for the plaintiff or plaintiffs, in such action, upon affidavit being made and filed with the prothonotary of the faid courts respectively, or his deputy, of the personal service of such process as aforesaid, to enter a common appearance or appearances for the defendant or defendants, and to proceed thereon, as if fuch defendant or defendants had entered his, her, or their appearance; and that all writs which shall be made returnable in the faid courts respectively, on such return days as aforesaid, shall and may (in case the plaintiff or plaintiffs declare according to the practice of the faid courts respectively) be proceeded upon in like manner as if the same had been made returnable at the preceding fession or session of assizes for the said counties palatine respectively; any law, statute, usage, or custom to the

XXXVI. And whereas a doubt hath arisen, whether the solemn

contrary thereof in any wife notwithstanding.

affirmation or declaration of the people called Quakers, prescribed by 3 Geo. 1. c. 6. an all made in the righth year of the reign of his late majesty King George the First, (intituled, An act for granting the people called Quakers, such forms of affirmation or declaration as may remove the difficulties which many of them lie under) can be allowed and taken instead of an oath, in any case wherein by any act or acts of parliament an oath is required, unless the said affirmation or declaration be by such ast or asts of parliament particularly and expresty directed to be allowed and taken instead of such oath; by reason of which doubt the testimony of the faid people called Quakers, is frequently refused, whereby the said people, and others requiring their evidence, are subjected to great inconveniencies: therefore for removing the said doubt, be it enacted and declared by the autho-Affirmation of rity aforesaid, That in all cases wherein by any act or acts of parliament now in force, or hereafter to be made, an oath is or cases in lieu of shall be allowed, authorized, directed, or required, the solemn affirmation or declaration of any of the people called Quakers, quired by act in the form prescribed by the said act made in the eighth year of parliament. of his faid late Majesty's reign, shall be allowed and taken instead of such oath, although no particular or express provision be made for that purpose in such act or acts; and all persons who are or shall be authorized or required to administer such oath, shall be, and are hereby authorized and required to administer the said affirmation or declaration; and the said solemn affirmation or declaration, so made as aforesaid, shall be adjudged and taken, and is hereby enacted and declared to be of the same force and effect, to all intents and purposes, in all courts of justice, and other places, where by law an oath is or shall be allowed, authorized, directed, or required, as if such

Quaker

Quakers alan oath re-



### Anno vicesimo secundo Georgii II. c. 47. 1749.

Quaker had taken an oath in the usual form; and if any person making such affirmation or declaration, shall be lawfully con-Penalty on victed of having wilfully, fallely, and corruptly affirmed or de-falle affirming clared any matter or thing, which, if the same had been deposed in the usual form, would have amounted to wilful and corrupt perjury, every person so offending, shall incur and suffer the like pains, penalties, and forfeitures, as by the laws and statutes of this realm are to be inflicted on persons convicted of wilful and corrupt perjury.

XXXVII. Provided nevertheless, and be it enacted, That no Not to extend Quaker shall, by virtue of this act, be qualified or permitted to to criminal give evidence in any criminal cases, or to serve on junies, or to cases, &c. bear any office or place of profit in the government; any thing

herein contained to the contrary notwithstanding.

### CAP. XLVII.

An all for the more easy and speedy recovery of small debts, within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the county of Surry, and the several precinets and liberties of the same.

HEREAS several persons living and residing within the town and borough of Southwark in the county of Surry, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, late part of Saint Saviour's, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the said county of Surry, and the several precincts and liberties thereof, contract many small debts, which in the whole amount yearly to a great sum of money; and although they are well able to pay such debts, yet they refuse so to do, presuming on the discouragements which their creditors lie under from the expence which they are unavoidably put to in Juing for the same, and the delays they meet with even after they have obtained judgement; and as nothing contributes more to the promoting of industry, and the support of useful credit, than providing an easy and speedy method for recovering of small debts; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this prefent parliament affembled, and by the authority of the same, That it shall and may The parishiobe lawful to and for such parishioners of the several and respec- ners to meet tive parishes within the said town and borough of Southwark, in their veitand of the several parishes of Saint Saviour, Saint Mary at New-ries, and to ington, Saint Mary Magdalen Bermondsey, Christ Church, late part commissioners of and comprized in the parish of Saint Saviour, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the faid county of Surry, as have a right to assemble in their several and respective vestries, and they are hereby respectively impowered and requir-Cc VOL. XIX.

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The number

which each parish is to appoint.

Lists to be made out,

the church door, and dechief bailiff, the town hall.

Stile and title of the court.

Three commissioners to fit twice a week, &c.

Power of commission

ed, within two calendar months after the making and passing of this act; and also on the Tuesday next after the feast of Easter, which will be in the year of our Lord one thousand seven hundred and fifty, and so on every Tuesday next after the feast of Easter in every successive year, to nominate and assign, in the whole, the number of one hundred and thirty two of the most substantial and discreet persons residing within their respective parishes, who are to be commissioners for the purposes herein after-mentioned and expressed, to be appointed by such parishioners of the said several parishes in manner following; videlicet, fuch parishioners of the said parish of Saint Olave in Southwark, to nominate and assign twelve of the said persons; the parish of Saint John in Southwark other twelve; the parish of Saint George in Southwark other twelve; the parish of Saint Thomas in Southwark fix; the faid parish of Saint Saviour eighteen; the faid parish of Newington twelve; the said parish of Saint Mary Magdalen Bermondsey eighteen; the said parish of Christ Church six; the said parish of Lambeth eighteen; and the said parish of Rotherhithe eighteen; and the churchwardens of each respective parish for the time being, or one of them, shall, within two days next after such nomination, cause two lists to be made out of the several persons so respectively nominated and appointed to be stuck on as aforesaid; and shall cause one of the lists, or a true copy thereof, to be fixed or stuck up on the church door of their reslivered to the pective parish; and shall deliver, or cause to be delivered, the other to the chief bailiff of the faid town and borough of Southand a copy to wark, or his deputy, who shall forthwith cause a copy of such be fluck up in lifts to be made, and fluck up in some convenient part of the town hall of the faid town and borough of Southwark; which faid persons, so nominated and returned for the said several parishes respectively as aforesaid, from time to time, are hereby declared, constituted, and appointed to be commissioners to hear and determine all fuch matters of debt as are herein aftermentioned; and fuch commissioners are hereby constituted a court of justice, by the name of The Court of Requests for the town and borough of Southwark in the county of Surry; and the faid commissioners, or any three or more of them, are hereby authorized, impowered, and required to assemble, sit, and hold the faid court twice in every week, videlicet, on every Tuesday and Friday, in the court house of the said town and borough situate and being at Saint Margaret's Hill, within the faid town and borough, or in some convenient part thereof, or some other place near or thereunto adjoining, so as not to impede or interrupt the business, at any time hereafter to be done by or before his Majesty's justices of assize, justices of over and terminer, justices of gaol delivery, or justices of the peace, or the courts leet, or courts of fewers, usually done, held, or kept in the faid court house; and the said commissioners, so to be assigned and appointed for the time being, or any three or more of them, shall have power and authority, by virtue of this act, to give judgement and decree, and to award execution thereupon, with



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costs, against the bodies, or against the goods and chattels of all and every the person or persons against whom they shall give any judgement or decree, as to them shall seem just in law or

equity.

II. And, for the more orderly and regular proceeding in the Chief bailiff faid court, and that no undue preference or delay may be made to summon a or given in summoning the said commissioners to attend the bu- certain numfiness of the said court, be it further enacted by the authority for 1 month. aforesaid, That the said chief bailiff, or his deputy (who are hereby impowered and required, from time to time, so to do) shall, within two days next after such several lists shall be returned to him as aforefaid, summon, or cause to be summoned, the first three persons named in each list containing eighteen, the first two persons in each list containing twelve, and the first perfon named in each list containing six, to attend as commissioners of the faid court for one calendar month then next following; and so the like number of persons out of every list, as they shall stand in order and rotation therein respectively, to serve as commissioners from month to month, during the term for which they are chosen commissioners.

III. Provided always, That nothing herein before contained Commissioshall extend, or be construed to extend, to exclude or debar any ners impowerof the persons who shall be nominated and returned for com-not in rotatimissioners as aforesaid (although they be not in rotation) from on. fitting in the said court; but that all such commissioners shall and may, as often as they shall respectively think fit, sit and give judgement therein; any thing herein before contained to the

contrary thereof notwithstanding.

IV. And be it enacted by the authority aforefaid, That from Method of and after the twenty ninth day of September, one thousand seven proceedings, hundred and forty nine, it shall and may be lawful to and for and recovery every resiant and inhabitant of the said town and borough of exceeding 40s. Southwark, and for all the resiants and inhabitants within the faid several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondfey, Christ Church, late part of Saint Saviour's, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the county of Surry, and to and for all and every person and persons renting or keeping any shop, shed, stall, or stand, or feeking a livelihood within the faid town and borough, or within any of the parishes, limits, or precincts aforesaid, who now have, or hereafter shall have any debt or debts owing unto him, her, or them, not exceeding the fum of forty shillings, by any person or persons whatsoever, inhabiting, or seeking a livelihood, within the faid town and borough, or within any of the parishes, limits, or precincts aforesaid, as aforesaid, to cause fuch debtor or debtors, so inhabiting, seeking a livelihood as aforesaid, to be warned or summoned by the chief bailiff of the faid town and borough for the time being, or his deputy officer or officers (who are hereby appointed, authorized, and required to execute all warrants, precepts, or process of the said court of requests) by writing left at the dwelling-house, or place of a-Cc2

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bode, shop, shed, stall, stand, or any other place of dealing of fuch debtor or debtors, or by any other reasonable warning or notice, to appear before the commissioners of the said court, to be held at or in the place aforesaid; and that the said commissioners, or any three or more of them, thall, after such summons as aforesaid, have full power and authority, by virtue of this act, to make or cause to be made, such acts, order or orders, decrees, judgements, and proceedings, between fuch party or parties, plaintiffs, and his, her, or their debtor or debtors, defendants, touching fuch debts, not exceeding the fum of forty shillings, in question before them, as they shall find to stand with equity and good conscience; and all such acts, decrees, judgeof the court to ments, and proceedings, order or orders, shall be entred and registred in a book, to be kept for that purpose by the clerk or clerks of the faid court, or his or their sufficient deputy or deputies; and shall be observed, performed, and kept in all parts, as well by the plaintiff, as the debtor or defendant.

Orders, &c. be registred.

Commissionto administer oaths.

V. And for the more due and regular proceeding in the faid ers impowered court intended to be established by this act, it is hereby further enacted, That it shall and may be lawful for the said commissioners, or any three or more of them, to administer an oath to the plaintiff or defendant, and to such witness or witnesses as shall be produced by each party, and also to all the officers of the faid court, for or concerning any business relative thereunto, if the same commissioners, or any three or more of them, shall so think it meet.

If action for debt under 40s. shall be fued in any other court.

VI. And be it further enacted by the authority aforesaid, That if in any action of debt, or action on the case upon an Assumpsit for recovery of any debt to be fued or profecuted against any person or persons aforesaid, in any of the King's courts at IVestminster, or elsewhere, out of the said court of requests, it shall appear to the judge or judges of the court where such action shall be fued or prosecuted, that the debt to be recovered by the plaintiff in such action doth not amount to the sum of forty shillings, and the defendant in such action shall duly prove, by fufficient testimony, to be allowed by any the judge or judges of the faid court where such action shall depend, that at the time of commencing fuch action, fuch defendant was inhabiting and resiant within the said town and borough of Scuthwark, or any of the parishes, limits, and precincts aforesaid, in the county of Surry, and was liable to be warned or fummoned before the faid court of requests for such debt, then, and in such case, the said judge or judges shall not allow to the said plaintiff any costs of fuit; but thall award that the faid plaintiff thall pay so much award the de- ordinary costs to the party defendant, as such defendant shall fendant costs. justly prove before the faid judge or judges it hath truly cost him in the defence of the laid fuit.

VII. And, for the more effectual establishing of the said court of requeits, and the better enforcing the orders and decrees which thall be made by the faid commissioners; and that the faid commissioners may be invested with proper power and au-

thority



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thority, and be free and exempt from any infults or abuses; be it further enacted by the authority aforesaid, That if any person Penalty of inor persons shall contemptuously affront, insult, or abuse all or sulting the any of the commissioners of the said court, during their sitting court. in the faid court, it shall and may be lawful to and for the faid chief bailiff, or his deputy officer or officers, by order of the faid commissioners then sitting, or any aree or more of them, . to take such person or persons so offending as aforesaid, into custody, and carry him, her, or them before one or more of his Majesty's justice or justices of the peace for the said county of Surry, to answer such affront, insult, or abuse; and upon the fact alledged being duly proved, upon the oath or oaths of one or more credible witness or witnesses, against him, her, or them, then, and in such case, the said justice or justices shall proceed to punish such person or persons so offending as aforesaid, by fine or imprisonment, or both; provided that the fine on any one person do not exceed the sum of twenty shillings, and that

the imprisonment be for no longer time than ten days.

VIII. And be it enacted by the authority aforesaid, That Fine to be leupon the nonpayment of the said fine, so to be imposed or set vied by diupon every person convicted of offending as aforesaid, it shall stress and sale. and may be lawful for the faid justice or justices to iffue a warrant or warrants, under his or their hands and feals, for levying the faid fine or fines so imposed upon the goods and chattels of every such offender or offenders, being then resiant or inhabiting within the faid town and borough, or within any of the parishes, limits, or precincts aforesaid, and to cause sale to be made thereof, in case they shall not be redeemed in five days, rendering the overplus, if any, to the owner upon demand, after deducting the reasonable charges of such distress and sale; which fine or fines, when levied or received by virtue of this act, shall be immediately paid over into the hands of the church-wardens or the overfeers of the poor of the parish, wherein every such offender shall, at the time of such offence committed, inhabit, dwell, or feek a livelihood, towards the support and maintenance of the poor of the same parish; and if such offender or of- Offender not fenders shall not be resiant or inhabiting within the said town and being an inhaborough, or within any of the parishes, limits, or precincts a- bitant, &c. foresaid, or shall not have any goods or chattels within the said town and borough, or within any of the parishes, limits, or precincts aforesaid, whereof such fine or fines can be levied as aforefaid; then, and in fuch case, and upon nonpayment of fuch and not payfine or fines, it shall and may be lawful for the said justice or ing the fines, justices, by warrant under his or their hand and seal, or hands to be commitand seals, to commit such offender or offenders to the county ted. gaol of the faid county of Surry, there to remain until he, she, or they shall pay the said fine or fines so imposed as aforesaid, not exceeding one calendar month; and fuch fine or fines, when levied or received, shall be immediately paid over into the hands of the justice or justices who granted such warrant or warrants,

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as aforesaid, to be distributed among the poor prisoners for debt in the said prison, in such manner as he or they shall think fit.

Copy of the court house.

IX. And be it further enacted by the authority aforesaid, That two preceding the clerks of the faid court, or one of them, shall fix, or cause to fluck up in the be fixed or stuck up, in the most publick part of the court house of the said town and borough, or other place where the ill fit to do business as aforesaid, a true faid commissioners copy of the two last preceding clauses of this act, to the end that no person or persons shall or may pretend ignorance in the premities.

Penalty of wilful or corrupt perjury.

X. And be it further enacted by the authority aforefaid, That in case any person or persons shall make oath, or give evidence, in any cause depending in the said court of requests, whereby he, she, or they, shall commit any wilful or corrupt perjury, and thereof be duly convicted according to law, then every fuch person or persons shall incur and suffer the like pains and penalties, as any other person or persons convicted of wilful perjury, according to the laws and statutes of this realm.

Clerks appointed.

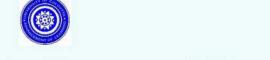
XI. And be it further enacted by the authority aforesaid, That John Butler, of the parish of Saint Olave Southwark, in the county of Surry, gentlemen, and Hammett Richardson, of the parish of Saint Mary Magdalen Bermondsey in the county aforesaid, gentleman, are constituted and appointed clerks of the said court of requests during their respective good behaviour therein; who shall and are hereby required to issue out all summonses, warrants, precepts, acts, orders, decrees, judgments, attachments, and proceedings of the faid court; and shall keep proper books, wherein shall be entered and registered all acts, orders, and proceedings of the lame court.

Method of choosing clerks.

XII. And be it further enacted by the authority aforefaid, That it shall and may be lawful for the said commissioners in court, or the major part of them, on the next court day after the death, refignation, or legal amoval of both or either of the said John Butler, and Hammett Richardson, the clerks appointed by this act, or fo foon after as the same is publickly known, and they are hereby required, to cause the whole number of commissioners to be summoned, who, next before such death, refignation, or amoval, were nominated and returned, as aforefaid, to meet at the place aforesaid, within twenty days next after their being summoned as aforesaid; and such commissioners at fuch meeting are hereby authorized, impowered, and required, by ballot, to elect and choose another person or persons in the room of both or either of the said John Butler and Hammett Rithardson so dying, resigning, or being amoved as aforesaid, for the uses and purposes in this act contained; and so from time to time, upon every vacancy of the said office of clerk, for ever.

XIII. And be it further enacted by the authority aforesaid, That no person or persons shall be capable of acting as commissioner or commissioners in the execution of the powers given by this act, until fuch time as he and they shall respectively have taken an oath to the effect following:

Commissioners not to act till they have Taken the oath following.



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A. B. do swear, That I will faithfully, impartially, and honestly, The oath. according to the best of my judgement hear and determine such matters and things as shall be brought before me by virtue of an act of parliament, intituled, An act for the more easy and speedy recovery of small debts, within the town and borough of Southwark, and the several parishes of Saint Saviour, Saint Mary at Newington, Saint Mary Magdalen Bermondsey, Christ Church, Saint Mary Lambeth, and Saint Mary at Rotherhithe, in the county of Surry, and the several precincts and liberties of the same; without favour or affection to either party.

Which oath the faid clerks, or one of them, is or are hereby Clerk to adminimpowered to administer; and shall cause a memorial thereof to nister and representations of the said court

be entered among the records of the faid court.

XIV. And be it further enacted by the authority aforesaid, That the several sees and sums of money, hereaster limited and expressed, and no more or greater sees, shall and may be taken for the respective services of the bailiss and clerks; that is to say,

For every summons, to the bailiff three pence, to the clerk three Table of Fees. pence.

For every bearing, to the bailiff one penny, to the clerk three pence. For an attachment against the defendant for not appearing to the summons, to the bailiff one shilling and two pence, to the clerk six pence.

For giving notice to the complainant of the service of the attack-

ment, to the bailiff four pence.

For an execution, to the bailiff one shilling and two pence, to the clerk ten pence.

For paying money into court, to the bailiff one penny, to the clerk

Seven pence.

For acknowledging satisfaction in full, to the bailiff two pence, to the clerk four pence.

For acknowledging satisfaction in part, to the bailiff one penny, to

the clerk three pence.

For fearching the books, to the clerk two pence.

For calling the defendant before the court, when he refuses to appear, to the bailiff two pence, to the clerk two pence.

For the complainant's marking his appearance, to excuse his attend-

ance the first court day, to the clerk four pence.

For a nonfuit on the plaintiff not appearing, to the clerk two pence.

A table of which said sees shall be hung up by the clerks of the Table of sees said court, or one of them, in some publick and conspicuous to be hung up part of the said court house, or other place where the said comin the court missioners shall meet for the purposes aforesaid, to the end that house.

all persons concerned may, at all times, see and read over the same; and if the said chief bailiss for the time being, or any of Officers taking his officers, shall take or demand any greater or other sees, than other sees, or as above mentioned, or shall otherwise misbehave himself or misbehaving to forfeit 201.

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and costs.

3 months.

Regulations on complaint of misbehaviour of clerks.

themselves in the execution of his or their office, then he and they, for every such offence, shall forfeit and pay the sum of twenty pounds to any person or persons, who shall sue for the same in any of his Majesty's courts of record at Westminster, together with full costs of suit, by action of debt, bill, plaint, or infor-Actions to be mation; in which no effoin, privilege, protection, or wager of commenced in law, or any more than one imparlance shall be allowed; so that fuch action or fuit be commenced within three calendar months after the offence be committed, and not otherwise.

XV. And be it further enacted by the authority aforesaid, That upon complaint made by any person or persons, of the misbehaviour or breach of duty of any clerk or clerks appointed or to be appointed by virtue of this act, or of any clerk or clerks taking or demanding any greater or other fees than as abovementioned, it shall and may be lawful to and for the said commissioners then sitting in court to inquire into the nature of such complaint; and if it shall appear to the faid commissioners, or the major part of them, that such complaint deserves the confideration of the whole number of commissioners nominated and returned, as aforesaid, then such commissioners so sitting in court, as aforesaid, are hereby directed and required to cause the whole number of commissioners to be summoned to meet as foon as conveniently may be, by publick notice to be given in the feveral parish churches within the said district, by the parish clerks thereof, immediately after divine service, on the Sunday morning next before such meeting is to be held, such Sunday being at least four days before the holding of such meeting, and examine into the merits of fuch complaint; and if it shall then appear to fuch commissioners, or the major part of them, that fuch clerk or clerks have or hath been guilty of agross misbehaviour, or breach of duty, in his or their office, that then it shall and may be lawful to and for the said commissioners, or the major part of them, to suspend or remove such clerk or clerks from his or their said office, and to elect and choose another person or persons in his or their room.

Limitation certain debts, &c.

XVI. Provided always, That this act, or any thing therein with respect to contained, shall not extend to any debt for any rent upon any lease of lands, or tenements, or any other real contracts, nor to any other debt that shall arise by reason of any cause concerning testament or matrimony, or any thing concerning or properly belonging to the ecclesiastical court, albeit the same shall be under forty shillings; any thing before contained to the contrary in any wife notwithstanding.

Limitation of actions.

XVII. And be it enacted by the authority aforesaid, That if any action or fuit shall be brought or commenced against any person or persons for any matter or thing done or to be done in pursuance of this act; then, and in such case, such action or fuit shall be brought or commenced within three calendar months next after the fact committed, and not afterwards; and the defendant or defendants in such action or suit to be brought, General issue. shall and may plead the general issue, and give this act, and the



special matter in evidence at any trial to be had thereupon; and if the plaintiff or plaintiffs shall become nonsuited, or discontinue his or their action or actions, suit or suits; or if upon verdict or demurrer judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any defentively.

dant or defendants hath or have in any other cases by law.

XVIII. Provided always, and be it further enacted by the Quakers afauthority aforesaid, That the affirmation or affirmations of the firmation alpeople called Quakers, shall be allowed of and taken in all cases lowed. where any oath or oaths is or are directed to be taken by this act, instead of such oath or oaths; and shall be administered by the same persons, as such oath or oaths is or are to be administered; and every person making such affirmation, who shall be penalty on convicted of wilful and salse affirming, shall incur and suffer the salse affirmsame penalties and forseitures, as are insticted and imposed by ing. any laws and statutes in this realm, upon persons convicted of wilful and corrupt perjury.

XIX. And be it further enacted by the authority aforesaid, Publick act. That this act shall be deemed, adjudged, and taken to be a publick act; and be judicially taken notice of as such by all judges, justices, and all other persons whatsoever, without specially

pleading the same.

## CAP. XLVIII.

An act to ascertain and establish the method of proceeding to and upon outlawries for high treason, and misprission of high treason, in Scotland.

WHEREAS by virtue of an act of parliament made in the 7 Annæ, c. 21. Seventh year of the reign of her late majesty Queen Anne, intituled, An act for improving the union of the two kingdoms, all proceedings upon indictments for high treason, or misprisson of high treason, committed in Scotland, ought to be according to the laws of England: and whereas doubts may arise touching the method of proceeding in Scotland to outlaw persons, against whom bills of indistment are or may be found there for high treason, or misprision of high treason, by reason of the different forms of proceeding of the courts of justice in England, and in Scotland, and of the different kinds of officers to carry the same into execution: now, in order to remove all such doubts, and to establish one certain, clear, and plain order and method of proceeding to outlawry against persons who have been, or shall be indicted for high treason, or misprifion of high treason, in Scotland; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present The court beparliament assembled, and by the authority of the same, That fore whom in case any person or persons is, are, or shall be indicted for high any indict-treason, or misprission of high treason, before any court of just ment for high tice in Scotland, having jurisdiction to take such indictments, misprision and shall not be in custody for the same, the court wherein shall be found, such indictment is or shall be found, or to which the same is or to issue writs shall of Capias a-

Anno vicesimo secundo GEORGII II. c. 48.

ty if not in cuttody, &c.

gainst the par- shall be duly certified, shall have full power and authority, and are required, to iffue one writ of Capias against the person or perfons fo indicted, being so out of custody as aforesaid, directed to the sheriff or stewart of the county, shire, or stewartry, wherein such indictment is or shall be found, and made returnable in the same court, forty two days at the least after the teste thereof, or a longer time, by the discretion of the said court, if the case requires it; which writ shall be delivered to such sheriff or stewart, who shall endeavour to find and apprehend the defendant or defendants named in such writ, within his county, shire, or stewartry; and if the defendant or defendants shall be named in the faid writ of any parish or place which lies in any county, shire, or stewartry, other than that in which such indictment shall be found, then the said court shall issue one other writ of Capias to the sheriff or stewart of such other county, shire, or stewartry, of the same teste, return, and import with the said first-mentioned writ of Capias; and if such respective sheriff or flewart shall return to both the said writs, or to the said sirstmentioned writ of Capias (in cases where only one shall be necessary to be issued) that the said defendant or defendants is or are not to be found within the respective counties, shires, or stewartries of such sheriff or stewart, then the same court shall issue two other writs, the one a writ of proclamation, the other a writ of exigent, and tested the day of the return of the said writ or writs of Capias, and directed to the sheriff or stewart of the county, shire, or stewartry in which the parish or place, house or estate of which the defendant or defendants is, are, or shall be named or described in the said indictment lieth; and such writs execution, and shall be both returnable on one and the same future day, and shall be delivered to fuch sheriff or stewart, who shall execute and return the same in the manner following (that is to say) by virtue of the said writ of proclamation, the said sheriff or stewart shall cause the said defendant or defendants to be proclaimed three times (that is to fay) once at the court of the sheriff or stewart depute of such shire or stewartry, and a second time at the quarter sessions of the peace to be held for the same county, shire, or stewartry, and a third time near to the church door, or if there shall be no church, in some publick part of the parish or place of which the faid defendant or defendants shall be named or described in the said indictment, between the hours of ten of the clock in the morning, and two in the afternoon, and fuch third proclamation shall be made twenty eight days at least before the fifth and last sheriff's or stewart's depute court, at which the faid defendant or defendants are to be called by virtue of the faid writ of exigent, in the manner herein after-mentioned; and by virtue of the said writ of exigent, the said sheriff or stewart shall cause the defendant or defendants to be called to appear at each of the five successive courts to be held by the theriff or stewart depute for the said county, shire, or stewartry; and if the defendant or defendants shall not appear and surrender himself or themselves, so as to be forth coming to justice at

fome

or writs of proclamation and exigent.

Manner of last return of the writs.



#### Anno vicesimo secundo Georgii II. c. 48. 1749.]

some one or other of the faid courts, at which he or they shall be so proclaimed or called as aforesaid, the said sheriff or stewart depute shall, at the last of the said five courts, pronounce judgment of outlawry against him, her, or them, and shall sign such judgment of outlawry; and the sheriff or stewart of such county, shire, or stewartry, shall return the same, and the writs of proclamation and exigent, into the court from whence the same shall issue, together with indorsements on each, certifying that the faid theriff or stewart has done every thing required of him by the faid writs, and that the defendant or defendants did not Defendants appear (if that shall be the case) and thereupon such defendant not appearing, or defendants shall be and be deemed to be outlawed for such to be outlawhigh treason, or misprisson of high treason respectively, accord-ed, and ating to law, to all intents and purposes whatsoever; and the defendant or defendants so outlawed for high treason, shall be and be deemed to be attainted of fuch high treason as is or shall be mentioned and contained in such indictment, and shall be subject and liable to such and the like execution and corruption of blood, and to such and the like pains, penalties, forfeitures, and processes, with respect to their estates real and personal, moveable and immoveable, to which persons attainted of high treason are by law subject and liable; and the defendant or defendants so outlawed for misprision of high treason, shall be subject and liable to all such and the like forfeitures, and to all such and the like processes, out of the court where the said writ or writs, proclamation or proclamations, and judgment of outlawry shall be returned, and also out of the court of Exchequer in Scotland, to feize and take the person and estate, and goods moveable and immoveable, real and personal, of such defendants so outlawed for misprision of high treason, as persons outlawed according to the law of England for misprission of high treason are liable and subject to; and all defendants outlawed for high treason, or Outlawed permisprision of high treason, in Scotland, shall, as near as can be, sons to have have all such and the like writs, means, methods, remedies, the remedies and advantages, in fuch and the like manner and time, and on allowed by the fuch and the like terms and conditions, for avoiding, fallifying, laws of Engor reverfing any fuch outlawry, as may be had by the law and The writs, usage of England in the like cases (excepting so far as the forms with the reof proceeding are varied and fettled by this act) and all the turns and outwrits herein before mentioned, with the returns thereof, and lawries, to be judgments of outlawry, shall be recorded and preserved in the recorded. court to which the faid writs shall be returned, uniess removed by due course of law.

II. And whereas the courts of the sheriff, or stewart depute in Scotland, are not held at certain stated times, which might occasion uncertainty and delay in the before-mentioned proceed- Five successive ings, be it enacted by the authority aforesaid, That such sheriffs courts to be or stewarts, to whom the said respective writs of proclamation held by the and exigent shall be directed and delivered, shall, and they are theriff to hereby impowered and required forthwith to cause five success whom writs five courts of the sheriff or stewart depute to be held for the shall be direct-

purposes ed.

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purposes before-mentioned, in such manner as shall be necessary for the due execution of the said writs, three days notice being sirst given, before the first court, at the head borough of the county or stewartry, of the times and places where such courts shall be held; and the first of the said five successive courts, at which the defendant or defendants is or are to be called by virtue of the writ of exigent, shall be held within twenty days after the delivery thereof to the sheriff or stewart, and each of the four successive courts shall be held at the end of sour weeks from the court preceeding.

Forms of the feveral writs, and their execution.
Writ of Capias.

Writ of pro-

clamation.

Writ of exigent.

Persons being out of the kingdom, and returning within a year, may traverse the indict-ment.

III. And be it further enacted by the authority aforesaid, That all the faid writs of Capias, proclamation, and exigent, shall be in the name of his Majesty, his heirs and successors, under the seal of such courts from whence the same shall issue, and such writ of Capias shall contain a command to the sheriff or stewart, to take the defendant or defendants, and bring him, her, or them before the court whence the faid writ shall issue, at a certain time and place therein to be mentioned; and the writ of proclamation shall command such sheriff or stewart to take the defendant or defendants, and have him, her, or them before such court, at a certain time and place therein to be mentioned, and if he, she, or they cannot be found within his shire or stewartry, then to cause publick proclamation to be made in the court of the sheriff depute, or stewart depute, at the general quarter sessions of the peace, to be held for the same shire or stewartry, and at the door of the church or place, or if no church, at some open part of the place, of which such defendant or defendants is, are, or shall be named or described in such indictment, that he, she, or they be before the court from whence fuch writ shall issue, at a certain time and place therein to be mentioned; and the faid writ of exigent shall contain a command to the sheriff or stewart, to cause the defendant or defendants to be called, from court to court of the sheriff, or stewart depute, until he, she, or they be outlawed; and if he, she, or they shall appear, then to take him, her, or them, and have his, her, or their body or bodies before the court, whence fuch writ of exigent shall issue, at a certain time and place therein to be mentioned, to answer to his Majesty, his heirs or successors, for the crime of which he, she, or they is, are, or shall be indicted.

IV. And be it further enacted by the authority aforesaid, That if any person so to be outlawed for high treason as aforesaid, shall, at the time of such outlawry pronounced, be resiant or inhabitant out of the limits of this kingdom of Great Britain, and such person shall, within one year after such outlawry pronounced, yield himself or herself to the lord justice general, justice clerk, or any of the commissioners of justiciary in Scotland, he or she shall be at liberty to traverse the indistment on which such outlawry shall be pronounced, and take his or her trial thereupon; and in case he or she, on such trial, shall be found not guilty, by verdict of the jury, he or she shall be clearly ac-

quitted



### Anno vicesimo secundo Georgii II. c. 49. 1749.]

quitted and discharged of the said outlawry, and all penalties and forfeitures for the same, in as large and ample a manner and form, as though no such outlawry had been made.

### CAP. XLIX.

An all for making a free market for the sale of fish in the city of Westminster; and for preventing the forestalling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an att of the first year of his late Majesty's reign, in case the Same are taken with a book.

X7 HEREAS a free and open market for fish in the city of Westminster would greatly tend to increase the number of fishermen, and improve and encourage the fishery of this kingdom; may it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth A free market day of June one thousand seven hundred and forty nine, there for fish to be shall be a free and open market held in the city of Westminster held in Westfor all forts of fish whatsoever; and that it shall and may be lawful for any person or persons to buy or sell any sort of fish in the faid market, without any disturbance or molestation whatfoever; nevertheless yielding and paying such sums as are herein after-mentioned.

II. And to the end the said intended market may be erected, established, and maintained, under such rules and regulations as are by this act herein after directed and prescribed; be it further enacted by the authority aforesaid, That lieutenant general Trustees James Oglethorpe, the right honourable Granville Leveson Gower names. esquire, commonly called lord viscount Trentham; the right honourable George Doddington esquire, Sir Peter Warren knight of the Bath, Sir Bouchier Wrey baronet, Sir Robert Grosvenor baronet, Sir John Croffe baronet, Sir Richard Lloyd knight, John Laroche esquire, George Harrison esquire, Thomas Fonnereau esquire, reverend doctor Scawen Kenrick, William Lowndes esquire, captain Philip Durell, Thomas Wyndham esquire, Thomas Smith esquire, Harman Verelst esquire, George Payne esquire, Henry Cheere esquire, Daniel Gell esquire, Francis Hutchinson esquire, William Pearce esquire, the reverend Wilfon D. D. one of the prebendaries of the collegiate church of Saint Peter, Westminster; Richard Combes esquire, Francis Gwyn esquire, Edward Vernon esquire, shall, from and immediately after the passing of this act, be, and are hereby appointed trustees for putting this act in execution; and they, or the survivors of them, or any five or more of them, are hereby invested with all and every the powers and authorities given and granted by this act.

III. And whereas a sum f money will be necessary for preparing proper place for the Isid market, and in maintaining and keeping

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Duties to be men.

the same in repair, and other incidental charges attending the same; paid by fisher- be it further enacted by the authority aforesaid, That from and after the faid twenty fourth day of June, one thousand seven hundred and forty nine, there shall be paid to the said trustees, or such other person or persons as the said trustees, or any five or more of them, shall, from time to time, appoint to receive the same, the following sums by every fisherman, or other perion or persons, selling any sort of fish in the said market, for coming with his boat or vessel to, or landing, standing, being, or felling in or at the faid market; that is to fay,

The duties.

For each veffel laden with falt fish, for groundage, the sum of eight

pence for each day, and twenty pence for each voyage.

For each lobster-boat, dogger-boat, smack, or other vessel, laden with fresh sea fish, the sum of two pence for each day for groundage, and thirteen pence each voyage.

For every offer-veffel or cock two pence each day for groundage, one halfpenny for each bushel for metage, and thirteen pence each

voyage.

and may be levied by di-

ftress and fale.

Which faid feveral fums shall, and they are hereby declared to be Duties vested vested in the said trustees, and their successors; and the same, in the trustees; and every part thereof, shall be paid, applied, and disposed of, and affigned to and for the feveral uses, intents, and purposes, and in such manner, as is herein after-mentioned and directed; and it shall and may be lawful to and for the said trustees, or any five or more of them, or such person or persons as they, or any five or more of them, under their hands and feals, shall, at a general meeting, nominate and appoint, to demand and take the fums hereby granted and made payable; and to levy the fame upon any person or persons who shall, after demand thereof made, neglect or refuse to pay such sums as aforesaid, by distress of any boat or boats, or the tackle or furniture thereto belonging, or there found, and belonging to the person or persons, who by this act are made liable to the payment of the same; and to detain and keep such goods and chattels so distrained, until such sums, with the reasonable charges of fuch distraining and keeping, shall be paid; and such person and persons so distraining, after the space of three days after fuch diffress made and taken, thall and may fell the goods fo distrained, returning the overplus, if any be, upon demand, to the owner thereof, after such sums, and the reasonable charges for distraining and keeping the same, shall be deducted and paid.

Trustees impowered to borrow money, and affign the duties.

IV. And whereas the money to be collected by virtue of this act. will not immediately raise a sufficient stock for effecting the purposes thereof; be it therefore enacted by the authority aforesaid, That from and after the passing this act, the trustees appointed or to be appointed to put the same in execution, or any five or more of them, shall and may, from time to time, at a general meeting held by them for that purpole, by any writing under their

hands



### Anno vicefimo fecundo Georgii II. C.49. 3249

hands and leals, affign over the faid fums arising by virtue of this act, or any part thereof, as a fecurity for any fum or fums of money to be borrowed by the faid trustees for the purposes of this act, to such person or persons, or their trustees, who shall advance and lend the same, to secure the payment thereof, with fuch interest as shall be agreed upon, not exceeding five pounds **her contum** per annum.

V. And be it further enacted by the authority aforefaid, That Application of out of the money arising by the faid sums granted by this act, or monies. the money borrowed on the credit thereof, as aforefaid, the faid truftees, or any five or more of them, at a publick meeting affembled, shall in the first place pay and discharge all expences and charges incurred in passing this act of parliament; and in the next place, shall pay and discharge the expences of laying out, making, and erecting a commodious place for the faid market, and in finishing and keeping the same in repair, and all other necessary expences attending the execution of this act.

VI. And be it further cnacted by the authority aforesaid, Trustees to That the said trustees, or any five or more of them, shall and appoint of may, at the first or any succeeding general meeting, by writing cers, under their hands and seals, chuse and appoint one or more sit person or persons to be collector or collectors of the sums aforefaid; and shall appoint one or more treasurer or treasurers, and all other necessary officers, as to them shall appear proper for the better execution of the powers contained in this act, allowing to fuch person or persons so by them appointed, such salasies or other rewards for their trouble as to the faid trustees, or any five or more of them, shall appear just and reasonable; and the faid trustees, or any five or more of them, shall and they are hereby impowered to remove or displace such treasurer or and remove treasurers, collector or collectors, or other person or persons them. whatfoever, fo by them from time to time appointed, and to place others in their stead; and the person or persons so appoint- Collector and ed to collect and receive the faid fum or fums, and also such treasurer to treasurer or treasurers so appointed as aforesaid, shall, before the account upon faid truftees, or any five or more of them, upon the first Monday in every month, or oftener, if thereunto required by the faid truftees as aforesaid, give in a true, exact, and perfect account in writing, under their respective hands, of all the monies, which he or they, and every or any of them, shall to such time have received, paid, and disbursed by virtue of this act, by reafon of their respective offices; and produce vouchers for the and to produce same, and shall pay over such balance to such person or persons, duce vouchas the faid truftees, or any five or more of them, shall at such over the bameeting direct; and in case such treasurer or treasurers, collector lance, or collectors, shall refuse to give in such account as often as required by the faid truftees, or any five or more of them, at a and in default. general meeting, fuch person or persons so refusing shall be com- to be commitspitted to the common gaol of the faid city and liberty, by war- ted. rant under the hand and feal of any one of his. Majesty's justices of the peace for the faid city and liberty Lestminster, upon application

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application made to him by two of the faid trustees, there to remain without bail or mainprize, until he or they shall make or render in a true, exact, and perfect account of their receipts and disbursements by virtue of this act; and shall have produced and delivered up all vouchers relating thereto; and shall have likewise paid over the money due on such account to such person or persons as the said trustees, or any five or more of them,

shall direct and appoint to receive the same.

The truffees to deliver yearly to the juffices, an account of receipts and

VII. And be it further enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall yearly and every year, within fix weeks next after the twenty fifth day of December, make up, and deliver in to the justices of the peace acting within the said city of Westminster, at any petty or disbursements, special sessions assembled, a just, true, and perfect account in writing, fairly entered in a book or books to be kept for that purpose, and signed by the said trustees, or any five or more of them, of all and every sum and sums of money which they shall know to have been received or disbursed under the authority of this act, during the preceeding year, with the balance (if any) remaining in the hands of the said trustees; and such accounts shall be kept by the clerk of the said sessions among the records thereof, to be inspected by any person or persons desiring the same, upon payment of one shilling to the said clerk; and if any furplus of the faid fums shall remain in the hands of the faid trustees, the same is hereby appropriated to, and shall be applied yearly and every year by them, within twelve months next after the delivering of such accounts to the said justices as aforesaid, in the binding out boys apprentices to fishermen, masters of ships, or some other person or persons employed in the sea service; such boys to be chosen by a majority of the said trustees at a general meeting to be held for that purpose.

to be kept among the records, &c. Surplus to be applied in apprenticing ica-boys.

Fish bought in

the market,

any other

place

VIII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any fishmonger, or may be sold in other person or persons whatsoever, who shall buy any fish in the faid market, to fell the same again in any other place or places, within the faid city of Westminster, or elsewhere, being found and wholsome fish, without any lett or disturbance from any person or persons whatsoever for so doing; any law or statute to the contrary thereof in any wife notwithstanding.

mongers bevoid ;

IX. And whereas the laws now in being have proved insufficient to prevent the monopolizing and forestalling of fish; be it further Contracts be- enacted by the authority aforesaid, That from and after the tween fisher- twenty ninth day of September, one thousand seven hundred and men and fith- forty nine, all and every contract or contracts, which shall, before that time, have been made, and which are to take effect 1749, declared after the said twenty ninth day of September, one thousand seven hundred and forty nine, between any fishermen and fishmongers, or between any other persons whatsoever, in regard to the sale of fish to be afterwards sold by retale, shall be, and are hereby declared to be absolutely void; and all such contracts, which are or shall be made to take effect in part before the said twenty ninth

### Anno vicesimo secundo Georgii II. C. 49. 1749-]

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ninth day of September, one thousand seven hundred and forty Contracts to nine, shall be, and are hereby declared to be void, so far as take effect in they shall relate to or be intended to take effect and the fact and time fine they thall relate to, or be intended to take effect at any time fub- 29 Sept. to be lequent to the said twenty ninth day of September, one thousand void. seven hundred and forty nine; and if from and after the faid twenty ninth day of September, one thousand seven hundred and Penalty on forty nine, any fisherman, fishmonger, or any other person or contracting for perfons, whatfoever, shall enter into, or make any contract or fish to be fold contracts for buying up fish to be fold again by retale, becontracts for buying up fish to be fold again by retale, before fore the same such fish shall be brought to an open market, and there exposed shall be to publick sale, such contract or contracts are hereby declared to brought to be absolutely void; and each and every party so contracting, as market. well the buyer as the feller, shall forfeit and pay for every such offence, the fum of fifty pounds, to be recovered and levied in manner herein after-mentioned; one moiety whereof shall be paid to the faid trustees appointed by this act, or any five or Application more of them, or their order, to be placed to the general ac- of the forfeicount, to be appropriated as aforefaid, and the other moiety to ture. fuch person or persons as shall inform, sue for, and recover the fame.

X. Provided always, That if either of the parties to contract- Either party ing as aforesaid, shall, before any information made against him, informing, to inform against the other, such party so informing, so as such be intitled to other party may be duly convicted of fuch offence, shall not only be acquitted from the said penalty, but shall also be intitled to fue for in his, her, or their own name, and recover the whole for eiture incurred by the other; one moiety thereof to be paid Application of to the faid trustees, and appropriated as aforesaid; and the other the forfeiture. moiety to fuch person or persons who shall sue for and recover the fame.

XI. Provided always, That nothing in this act contained, Contracts for shall extend, or be construed to extend, to make void any con- fresh salmon, tracts already made, or to prevent any contracts to be made by foles, oysters, any fishmonger or fishmongers, or any person or persons what- fish to subsist. foever, in regard to fresh salmon or soles brought by land carriage, or to oysters, or salt or dried fish.

XII. And lest fishermen, and other persons employed in catching, importing, or vending of fish, should bring fish to Queenborough, Gravesend, or some other place or places in the river of Thames, and there keep it for a considerable time, and send only small quantities, from time to time, to market, with a view to keep up the price of the several species of fish, which such person or persons respectively import or trade in; which practice will not only tend to enhance the value of fish, but also to render it unwholsome food, to the great prejudice of the consumer, as well as the fishery in general; to prevent fuch practices, be it further enacted by the authority aforesaid, That if any fisherman, or other person or persons whatsoever, Penalty on natives or foreigners, thall keep any tith at Queenborough, Gravef- fiftermen not felling their ende or other place or places, in any well-boat, store-boat, or fish within \$ any other manner whatfoever, so as not to sell off their whole days from cargoe of fish, within the space of eight days, from their arrival their arrival YOL. XIX.

on on the coast

Anno vicesimo secundo Georgii II. c. 49. 1749.

between Yar. mouth and Dover.

on the British coast, between North Yarmouth and Dover, after their first arrival at the respective place or places as aforesaid, every person or persons so offending, and being thereof lawfully convicted by the confession of the parry, or the oath of one or more credible witness or witnesses, shall, for every such offence, forfeit the whole cargoe of fish belonging to him, and also the vessel, with her tackle, apparel, and furniture, to be levied by distress and sale, by warrant under the hand and seal of any one or more of his Majesty's justices of the peace for the respective county where the offence shall be committed; which warrant or warrants the faid justice or justices is and are hereby impowered and required to make, upon the information on oath of one or more credible witness or witnesses (which oath the faid justice or justices is and are hereby impowered and required to admi-Application of nifter;) and the said produce thereof shall go and be applied, the forteiture. one moiety to the use and benefit of the informer or informers, and the other moiety to the poor of the parish where the of-

Commillioners for the

Westminster

Bridge, im-

powered to

of a piece of ground tor

tne market.

money.

51. purchase-

tence thall be committed.

XIII. And whereas the commissioners for building a bridge cross the river Thames, from the New Palace Yard in the city of Westminster, to the opposite shore in the county of Surrey, are possessed of a piece of ground near Cannon Row in the faid city of Westminster, which is conveniently situate for holding the said intended market; be it therefore enacted and declared by the authority aforesaid, That the said commissioners are hereby authorized and impowered to make a grant of the faid piece of ground, to the trultees appointed by this act, and their fuccessors, to be make a grant made use of for holding the said intended market; for the grant of which ground the faid trustees shall pay the faid commissioners the sum of five pounds, as the consideration or purchasemoney for the fame.

> XIV. And be it further enacted by the authority aforesaid, That the right and property of all the buildings, and the materials employed therein for making the faid market commodious, shall be vested in the said trustees, appointed or to be appointed to put this act in execution, and they, or any five or more of them, are hereby authorized and impowered to bring actions, or prefer bills of indictment, against any person or persons who shall steal, take away, break down, or otherwise damage such

building or materials employed therein.

Property of the market vested in the wuitees.

No truffee to accept of a v place of pront.

XV. Provided always, and be it further enacted and declared, That no perion or perions, appointed or to be appointed by this act a traffee or trustees for putting the same in execution, shall have or accept of any place of profit arising out of, or by reason of " y fums by this "ct laid or granted; but such person or p rons mall be incapable of acting as a truftee or truftees from the time of his accepting, and during the enjoyment of fuch pla e of profit as aforefiid.

XVI And for continuing a sufficient number of trustees for pitii th's a t in execution, be it turther enacted by the authority aforesaid, That when and as often as any truffee or truftees

On death or rem ,v : of tru es, othe s to be diolen.

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trustees shall die, or, by writing under his or their hand, refuse to act, it shall and may be lawful for such of the said trustees as shall then survive or remain, or any seven or more of them, at any general meeting, by any writing or writings under their hands and feals, to elect, nominate, and appoint one or more fit person or persons in the room or place of such trustee or trustees so dying or refusing to act as aforesaid; and such person or persons so elected, nominated, or appointed, shall be joined with such surviving or remaining trustees, in execution of all and every the powers in them reposed by virtue of this act.

XVII. And be it further enacted by the authority aforesaid, First meeting That the first meeting of the said trustees shall be on the second of the trustees. Monday in July, at the house known by the name of the King's Arms in the New Palace Yard, in the city of Westminster; and they shall have power to adjourn their succeeding meetings, from time to time, and to fuch places, as they shall think fit.

XVIII. And be it further enacted by the authority aforesaid, Bonds for not That all bonds, or other securities whatsoever, to be entered suing for any into, or given, for not fuing or recovering any penalty or for- penalty, defeiture incurred or to be incurred by virtue of this act, shall be, and they are hereby declared to be absolutely null and void; any law, statute, custom, or usage to the contrary notwithstanding.

XIX. And be it further enacted by the authority aforesaid, Forseitures That all penalties and forfeitures incurred or inflicted by virtue how to be reof this act, if not otherwise by this act directed to be recovered, covered and shall and may be prosecuted and recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed; and fuch forfeitures shall go and be applied (if not otherwise directed by this act) one moiety thereof to the person or persons who thall inform, sue for, or recover the same; and the other moiety to the poor of the parish where the cause of action shall arife.

XX. Provided always, and be it further enacted by the au- Limitation of thority aforesaid, That if any action or suit shall be commenced actions. against any person or persons, for any thing done in pursuance of this act, every fuch action or fuit shall be brought within fix months next after the fact committed, and not afterwards; and shall be laid or brought in the county or place where such offence shall be committed, and not elsewhere; and the desendant or defendants, in every fuch action or fuit so to be brought, shall and may plead the general issue, not guilty, and give this act, General issue. and the special matter in evidence, at any trial to be had thereupon; and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done. or that such action or suit shall be brought after the time limited for bringing the same as aforesaid, that then the jury shall find for the defendant or defendants; and upon such verdict, or if the plantiff or plaintiffs shall become nonsuited, or discontinue

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Dd 2



Anno vicesimo secundo Georgii II. c. 50—52. 404

> his action, after the defendant or defendants shall have appeared, or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall and may recover treble costs, and have such remedy for the same, as any

Treble cofts.

defendant or defendants hath or have in any case by law. XXI. And whereas by an act of the first year of the reign of his

2 Geo. 1. C. 18. late majesty King George the First, intituled, An act for the better preventing fresh fish taken by foreigners being imported into this kingdom; and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbets in foreign bottoms; and for the better preservation of salmon within several rivers in that part of this kingdom called England; it is enacted, That no bret, turbet, bril, or pearl, codlin, whiting, mullet, bass, place, soles, or flounders, which shall not be of the several lengths or fixes therein described, shall be fold, effered or exposed to fale, or exchanged for any other goods, in that part of Great Britain called England: and whereas several of the said fish are taken with a hook, and though thrown again into the sea, cannot be preserved alive; be it enacted by the authority aforesaid, That fish under fuch dimensions, as are prohibited by the said recited clause, may be exposed to sale, or exchanged for any other goods, provided such fish are taken with a hook, and so not fit or capable of being preserved alive; any thing contained in the said recited act to the contrary notwithstanding.

**Fib** under nte, if taken with a hook, may be fold.

### CAP. L.

An act for the better repairing the highways, and cleanfing the streets, within the parish of Saint Leonard Shoreditch, in the county of Middlefex; and tor better enlightening the open places, ftreets, lanes, paffages, and courts there; and regulating the nightly watch, and bedels, within the faid parith.

### CAP. LI.

An act for enlarging the term and powers granted by an act passed in the twentieth year of the reign of his present Majesty, for repairing the high road leading from the town of Stockton upon Tees to Darlington, and from thence through Winston to Barnard Cattle in the same county, and for the effectual amending of the same.

The act 20 Geo. 2. c. 25. continued for 15 years.

## CAP, LII.

An att for vesting the several estates of James late earl of Derwentwater, and Charles Radcliffe, deceased, comprized in several settlements therein mentioned, in trustees, for an absolute estate of inberitance, for the benefit of the royal bospital at Greenwich; and for raising certain sums of money out of part of the said estates, for the relief of the children of the said Charles Radcliffe.

TATHEREAS by indentures of lease and release, the lease bearing date the day next before the day of the date of the release, and the release being quadripartite, bearing date the twenty fourth day of March, Anno Domini one thousand six hundred and ninety



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Northumberland; were, for the considerations in the said recited indenture quadripartite mentioned, settled, limited, and assured, to the use of the said Francis earl of Derwentwater, for his life, without impeachment of waste; and after his death, and subject to a trust for raifing five thousand pounds for the right honourable the lady Mary Radcliffe, daughter of the faid earl of Derwentwater, and to the Several annuities of five hundred pounds, four hundred pounds, two hundred pounds, and three hundred pounds, payable to Francis Radcliffe, Thomas Radcliffe, William Radcliffe, and Arthur Radcliffe, the four younger sons of the said Francis earl of Derwentwater, for their respective lives, to the use of the said Edward lord viscount Radcliffe and Langley, for his life, without impeachment of waste; remainder to the honourable James Radcliffe esquire, for his life, without impeachment of waste; remainder to his first and other Jons, in tail male, successively; remainder to the honourable Francis Radcliffe esquire, second son of the said Edward lord viscount Radcliffe and Langley, for his life, without impeachment of waste; remainder to the first and other sons of the last named Francis Radcliffe, in tail male, successively; remainder to the third, fourth, fifth. fixth, seventh, eighth, ninth, and tenth sons of the said Edward lord viscount Radcliffe and Langley, in tail male, successively; remainder to the said Francis Radcliffe, second son of the said Francis earl of Derwentwater, for his life, without impeachment of wafte; remainder to his first and other son and sons, in tail male, successively; remainder to the said Thomas Radcliffe, for his life, without impeachment of waste; and after his death to his first and other son and fons, in tail male, successively; remainder to the said William Radcliffe, for his life, without impeachment of waste; remainder to his first and other sons, in tail male, successively; remainder to the said Arthur Radcliffe, for his life, without impeachment of waste; remainder to his first and other sons, in tail male, successively; remainder to the heirs of the body of the faid Francis earl of Derwentwater; remainder to the right heirs of the Same Francis earl of Derwentwater for ever: and whereas the faid Francis earl of Derwentwater is long since dead; and upon his death the said Edward called viscount Radcliffe and Langley, his son and heir, became earl of Derwentwater; and the said Edward is also long since dead; and upon his death the said James Radcliffe, his son and heir, became earl of Derwentwater: and whereas by indentures of lease and release, the lease bearing date the day next before the day of the date of the release; and the release being sextipartite, bearing date the twenty fourth day of June, Anno Domini one thousand seven hundred and twelve, and made between James late earl of Derwentwar ter, of the first part; Sir John Webbe baronet, and the honourable dame Barbara his wife, and Anna Maria Webbe, eldest daughter of the said Sir John Webbe, of the second part; the right honourable Otho earl of Plymouth, and the right honourable Richard earl of Scarborough, of the third part; the right honourable Thomas lord viscount Faulconberge, and John Radcliffe of London, doctor in physick, of the fourth part; the right honourable William And Widdrington (who was afterwards attainted of high treason) and



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and Nevil Ridley gentleman, of the fifth part; and the honourable Francis Radcliffe and Charles Radcliffe, esquires, brothers of the faid James late earl of Derwentwater, of the fixth part; in confideration of a marriage then intended, and which soon after took effest, and was solemnized between the said James earl of Derwentwater and Anna Maria Webbe; and for other considerations in the Said indenture of fix parts mentioned; all that the barony, manor, or lerdship of Langley, with the rights, members, and appurtenances thereof, in the county of Northumberland; and all and singular messuages, farms, lands, tenements, and hereditaments what sever, part and parcel, or reputed part and parcel of the faid barony or lordsbip of Langley, or as part, parcel, or member thereof, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; and also all those the manors of Wittingstall, alias Quittingstall, and Newlands, Dilston alias Develston, Aydon Shields, Warke, Elrington, and Meldon, and every of them, with their and every of their rights, members, and appurtenances, in the faid county of Northumberland; and also all and singular meffuages, granges, farms, lands, tenements, and bereditaments what foever, part and parcel, or reputed part and parcel of the Said manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied or enjoyed, and every of them, with their appurtenances; and all those the manors, or reputed maners of Spindleston and Utchester, Throckley, Coastley, Middleton Hall, East Thornton alias Thornton East, Westwood, and Thornborough, and every of them, with their and every of their rights, members, and appurtenances in the said county of Northumberland: and also all and singular messuages, granges, farms, lands, meadows, pastures, feedings, tenements, and bereditaments what soover, part and parcel, or reputed part or parcel of the faid laftmentioned manors, or reputed manors, every or any of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; all and singular which said barony, manors, or reputed manors, meffuages, granges, farms, lands, tenements, bereditaments, and premisses before-mentioned, are situate, lying and being in Langley, Whittingstall alias Quittingstall, Newlands, Dilston alias Develston, Aydon Shields, Warke, Elrington, Meldon, Spindleston, Utchester, Throkley, Coastley, Middleton-Hall, Thornton East Westwood, Thornborough, Netherwarden, Haydon Bridge, Bywell Saint Andrew, Bywell Saint Peter, Corbrigge, Newton Hall, Hexam, Symondburne, Haltwhistle alias Holtwhistle, Kirkhaugh, Knaresdall, Witfield, Balam, Balmbrough, Newbourn, Wooler, Ovingham, and Staley, some or one of them, or some other town or towns thereto adjoining, in the said county of Northumberland; and alfo all that the advorvson of the church of Symondburne, with the appurtenances in the faid county of Northumberland; and also all those the manors, or reputed manors of Castlerigg and Derwentwater, alias Keswick, and Thornthwaite, with their and every of their rights, members, and appurtenances in the county of Cumberland; and also all and singular messuages, granges, farms, lands, meadows, paftures, Dd4



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pastures, feedings, woods, underwoods, tenements, and hereditaments what soever, part and parcel, or reputed part and parcel of the said last-mentioned manors of Castlerigg and Derwentwater, alias Keswick, and Thornthwaite, or any part of them, or as part, parcel, or member of them, or any of them, demised, letten, used, occupied, or enjoyed, and every of them, with their appurtenances; which said manors and premisses last-mentioned are lying and being in Crashthwaite and Keswick, or one of them, or some other town or towns thereto next adjoining, in the said county of Cumberland; and also all that the manor of Scremerston, with the rights, members, and appurtenances, in the county palatine of Durham; and all and fingular messuages, granges, farms, lands, tenements, and hereditanients what soever, to the said last-mentioned manor belonging or appertaining, or thereof reputed part or parcel, or therewith demised, used, letten, or enjoyed, and every of them, with their appurtenances; which said manor and premisses last-mentioned are situate, lying, and being in Scremerston, Holy Island, Auncroft alias Auncraft, Tweedmouth, Norham, and Lowick, or some or one of them, or some other town or towns thereunto next adjoining, within the said county palatine of Durham; and also all and singular other the messuages, granges, farms, lands, meadows, pastures, feedings, woods, underwoods, tenements, and hereditaments what soever, late the estate of the faid James late earl of Dernentwater, or whereof he was feised of any estate of inheritance in possession, reversion, remainder or expectancy, situate, lying, and being within the faid several barony, meners, towns, villages, territories, or hamlets of Langly, Wittingstall alias Quittingstall, Newlands, Dilston otherwise Develston, Aydon Shields, Warke, Elrington, Meldon, Spindleston, Utchester, Throckley, Coastley, Middleton Hall, Thornton East, Westwood, and Thornborough, every or any of them, in the said county of Northumberland; or of Castlerigg, Derwentwater, I hornthwaite and Keswick, Crasthwaite and Keswick, or every or any one of them, in the faid county of Cumberland; or of Scremerston in the faid county palatine of Durham, and every of them, with their appurtenances; were settled, limited, and assured to take effect, after the Solemnization of the said intended marriage, and subject to a term of ninety nine years, limited of part of the premisses, which is since determined, to the use of the said James earl of Derwentwater for life, without impeachment of waste; and after his death, and subjest to a rent charge of one thousand pounds thereby limited to the said Anna Maria for her life, for her jointure, and after her death, and subject to a term of two hundred years, which is since determined, to the use of the first, second, third, and all and every other the son and sons of the said James late earl of Derwentwater, on the body of the faid Anna Maria, in tail male, successively; remainder to the Said Otho earl of Plymouth, and William lord Widdrington, their executors, administrators, and assigns, for a term of five bundred years, in trust, for raising twenty thousand pounds, for the portion and portions of the daughter and daughters of the faid James late earl of Derwentwater, by the Said Anna Maria, in case of failure of Tue male between them, to be paid at such times, and in Such



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such manner, and with such maintenance, as is therein mentioned; and after the determination of the said term of five hundred years, to the use of the said James late earl of Derwentwater, and the heirs male of his body; remainder to Francis Radcliffe, brother to the faid James late earl of Derwentwater, for life; and after his death, to his first and other sons in tail male successively; remainder to Charles Radcliffe, youngest brother of the said James late earl of Derwentwater, for his life; remainder to the said Otho earl of Plymouth, and Thomas lord Faulconberge, and their heirs, during the life of the said Charles Radcliffe, in trust, to preserve the contingent remainders; remainder to the first and other sons of the Said Charles Radcliffe, in tail male, successively; remainder to the said James late earl of Derwentwater, his heirs and assigns for ever: and whereas by deed poll, under the hand and seal of the said Edward earl of Derwentwater, bearing date the twenty fourth day of June, one thousand six hundred and ninety nine, the said Edward earl of Derwentwater, in pursuance of a power given and reserved to him in and by a settlement made on his marriage with the lady Mary Tuder, did grant, limit, and appoint an annuity or yearly rent charge of two hundred pounds unto, and for the benefit of his youngest son Charles Radcliffe, during his life, payable half-yearly, and charged upon, and issuing out of divers manors, lands, tenements, and hereditaments, in the county of Northumberland, therein particularly described as part of the premisses herein before mentioned: and whereas the said Edward earl of Derwentwater left iffue three fons, videlicet, James late earl of Derwentwater, the faid Francis Radcliffe and Charles Radcliffe, who was born after the first recited settlement: and whereas the said Francis Radcliffe, the second fon of the said Edward earl of Derwentwater, and the said Francis Radcliffe and Thomas Radcliffe, two of the younger sons of the faid Francis earl of Derwentwater, all died without iffue in the lifetime of the said James earl of Derwentwater: and whereas the said James late earl of Derwentwater was attainted of high treason, after the twenty fourth day of June, one thousand seven hundred and fifteen, and before the twenty fourth day of June, one thousand seven hundred and eighteen; (that is to say) on or about the ninth day of February, one thousand seven hundred and fifteen, and on the twenty fourth of the same February, was executed; and the said Anna Maria his wife, late countefs of Derwentwater, died on or about the nineteenth day of August, one thousand seven hundred and twenty three; and the said James late earl of Derwentwater left iffue by the faid Anna Maria one son named John, and one daughter named Anna Maria: and whereas the faid William Radcliffe and Arthur Radcliffe died without iffue since the said attainder: and whereas the said Charles Radcliffe was also attainted of high treason, after the twenty fourth day of June, one thousand seven hundred and fifteen, and before the twenty fourth day of June, one thousand seven hundred and eighteen; that is to say, on the eighteenth day of May, in the year of our Lord one thousand seven hundred and sixteen; and the said Charles Radcliffe was, on the eighth day of December, one thousand seven hundred and forty six, executed for the treason by him committed



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1 Geo. 1. c. 50.

committed as aforesaid: and whereas by an all made in the first year of the reign of his late majesty King George the First, (intituled, An act for appointing commissioners to inquire of the estates of certain traitors, and of popilh reculants, and of estates given to superstitious uses, in order to raise money out of them severally for the use of the publick) it was enacted, That all and every the castles, honours, lordsbips, manors, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, and privileges what soever, and all appurtenances to them, or any of them belonging, or any wise appertaining; and all rights of entry, rights of action, titles, conditions, uses, trusts, powers, and authorities; and all leases for life, lives, or years, pensions, annuities, rents, charges, and hereditaments what seever, and of what nature or kind soever in Great Britain, Ireland, or elsewhere, whereof any person or persons who, fince the twenty fourth day of June, in the year of our Lord one thousand seven hundred and fifteen, had been attainted, or before the twenty fourth day of June, in the year of our Lord one thousand seven bundred and eighteen, should be attainted for bigh treason committed before the first day of June, one thousand seven bundred and sixteen, within Great Britain, or elsewhere, was, were, er should have been seised or possessed of, or interested in, or intitled unto, on the twenty fourth day of June, one thousand seven hundred and fifteen, or at any time afterwards, in his, her, or their own right, or to his, her, or their own use, or whereof any other person or persons was, were, or should have been seised or possessed of, or interested in, to the use of, or in trust for them, or any of them, on the said twenty fourth day of June, one thousand seven hundred and fifteen, or at any time afterwards, should stand and be forfeited to his Majefly, his heirs and successors, and should be deemed, vested, and adjudged to bein the actual and real possession of his Majesty, without any office or inquisition thereof, thereafter to be taken or found; all which said castles, bonours, manors, lands, tenements, rents, reversions, hereditaments, and other the premisses, according to the several and respective estates and interests, which the said persons attainted, or to be attainted, within such days and times as aforesaid, or any in trust for them, or any of them, or to their or any of their use or uses, had, or should have had therein as aforefaid, were thereby declared and enacted to be so vested in his Majesty, his heirs and successors, for the use of the publick: and to the intent that the same, and the profits and proceed thereof, should be disposed and applied to the use and benefit of the publick, and in safe of his Majesty's good subjects, according to such act and acts of parliament as should thereafter be made and passed in that behalf; and that where any of the person or persons attainted, or to be attainted, within such days and times as aforesaid, were seised of an estate tail in possifien, in any such casiles, honours, manors, meffuages, lands, tenements, rents, hereditaments, or other the premiffes, the same were thereby enacted and declared to be vested in his Majesty, bis beirs and successors, in fee simple, to the end the same might be abfolutely fold, disposed, or applied, according to such all or alls of parliament as should thereafter be made in that behalf; and all and every person and persons (other than and except all such forfeiting persons as aforefaid,



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aforesaid, and the beirs, executors, administrators, and assigns of every of them; and all persons baving or claiming any thing in the premisses, or any part thereof, to the use of, or in trust for any such forfeiting persons, or their or any of their heirs, executors, or administrators; and such persons who had or might claim any estate, which was in reversion or remainder, expectant on the determination of any estate tail, whereof a forfeiting person was seised as aforesaid, on the Said twenty fourth day of June, one thousand seven hundred and fifteen, or at any time since, always excepted) having any estate, right, title, interest, use, trust, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance in law or equity, in, to, out of, or upon any castles, honours, manors, messuages, lands, tenements, rents, hereditaments, or real estate, or any other the premisses in Great Britain, Ireland, or elsewhere, therein before vested in his Majesty, by or under any settlement, conveyance, judgment, statute, recognizance, extent, or other debt, charge, or incumbrance, affecting the same estate, before the respective days and times whereon the same were vested in his Majesty as aforesaid, were, on or before the twenty fourth day of June, one thousand seven hundred and seventeen (and which time, by another act of parliament made in the third year of the reign of his said late Majesty, intituled, An act to inlarge the time for making claims before the com- 3Geo. 1. c/missioners appointed to inquire of the forfeited estates, was inlarged to the first day of February, one thousand seven hundred and and seventeen) to enter all their respective claims and demands thereof before certain commissioners appointed by the said act, or any four or more of them residing in England or Scotland respectively, in the manner in the said of mentioned; or in default thereof, every such estate, right, titie, interest, use, possession, reversion, remainder, office, annuity, service, rent, debt, benefit, charge, or incumbrance, in, to, out of, or upon the said premisses, or any part thereof, was thereby declared to be null and void; and the estate or estates liable unto, or charged therewith, were from thenceforth to be freed, acquitted, and discharged of and from the same: and whereas by another act of parliament made in the fourth year of the reign of his said late majesty 4 Geo. 1. c. 8. King George the First (intituled, An act for vesting the forfeited estates in Great Britain and Ireland in trustees, to be sold for the use of the publick, and for giving relief to lawful creditors, by determining the claims, and for the more effectual bringing into the respective exchequers the rents and profits of the said estates till fold) it was enasted, That all and every the castles, 1:0nours, lordships, manors, messuages, lands, tenements, rents, reversions, services, remainders, possessions, royalties, franchises, jurisdictions, and privileges what sever, and all appurtenances to them, or any of them, belonging, or in any wife appertaining; and a'l rights of entry, rights of action, titles, conditions, uses, trusts, powers, and authorities; and all leases for life, lives, or years, pensions, annuities, rents, charges, and hereditaments what soever, and of what nature or kind foever, not disposed of according to the directions of the faid first-recited act, in Great Britain, Ireland, or elsewhere, which ly the faid recited att were vested, or intended to be vested, in his Majesty, his beirs



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beirs and successors, as aforesaid, for the use of the publick, should be, and were thereby, vefted and settled in the actual and real possession and seisin of Richard Grantham esquire, George Treby esquire, Arthur Ingram esquire, George Gregory esquire, Sir Richard Steele knight, Sir Henry Houghton baronet, Patrick Haldane efquire, Sir Thomas Hales baronet, Robert Munro esquire, Henry Cunningham esquire, Denis Bond esquire, John Birch serjeant at law, and Sir John Eyles baronet, and their heirs, executors, administrators, and assigns respectively, from the twenty fifth day of March, one thousand seven hundred and eighteen, according to the feveral estates and interests vested or intended to be vested in his Majesty by the said former act; to the end the same might be bargained, fold, disposed of, and applied by the said trustees, and the survivors of them, to and for the uses in the said recited act, or in the said act of the fourth year of his faid late Majesty's reign after-mentioned and declared: and it was by the said last recited att further enatted, That from and after the said twenty fifth day of March, one thousand seven hundred and eighteen, the said commissioners and trustees, or any four or more of them, residing in England, Scotland, or Ireland, respectively, should and were thereby enabled and required, at any time or times, to fell all and fingular the estates and interests vested in them as aforesaid; (that is to say) such of the said estates and interests, concerning which no claims should be or had been entered within the times limited for that purpose, as soon as conveniently might be after the said twenty fifth day of March, one thousand seven hundred and eighteen; and such of the said estates and interests for or concerning which any claims had been or should be entered, as aforesaid, as foon as conveniently might be after fuch claims relating to fuch estates or interests respectively should be determined; the said sales to be made to any person or persons being protestants, bodies politick or corporate, their beirs, successors, executors, administrators or assigns (other than the faid commissioners and trustees, or their officers respectively, or any others in trust for them) who should become purchaser or purchasers thereof, for such estate and interest therein respectively, as was therein before vested in the said commissioners and trustees: and the said commissioners and trustees, or any four or more of them, residing in England, Scotland, or Ireland, respectively, being certified of the poyment of the price agreed upon into the receipt of his Majesty's exchequers in England and Scotland respectively, were to execute an indenture or contract of bargain and sale of the parcels bought and paid for to the buyers thereof, for such estate or interest therein as the faid commissioners and trustees, or any four or more of them residing in England, Scotland, or Ireland respectively, should have contracted to feil the same; and all and every purchaser or purchasers, bis, her, or their heirs, successors, executors, administrators and afsigns, were to hold and enjoy such parts and parcels of the premisses as should be so purchased and conveyed for such estate and interest therein respectively, as should be conveyed by the said commissioners and trustees, or any four or more of them, in such indenture or contract of bargain and sale, freed and discharged of and from all arrears of quit-rents, crown-rents, feu duties and chiefries, at any time accrued



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crued or to grow due before the date of such respective conveyances, and of and from all other claims and demands of his Majesty, his heirs and fuccessors, and of the said commissioners and trustees, their beirs, executors, administrators, and assigns, and of all and every other per-Jon or persons what soever, other than and except such claims and demands which should be allowed by the said commissioners and trustees, or any four or more of them, or the court of delegates (which, by the Said last recited act, his said late Majesty was impowered to appoint, for bearing and determining such appeals as should be made by any claimant from any judgement, determination, or decree of the said commissioners and trustees, or any four or more of them) on the determination of such claims as aforesaid: and whereas the aforesaid John Radcliffe, son of the said James late earl of Derwentwater, did, by bis mother and guardian the said Anna Maria, late countess of Derwentwater, on or about the first day of March, one thousand seven hundred and sixteen, exhibit two several claims before the commissioners appointed by the said recited all of the first year of his said late Majesty's reign; by one of which the said John Radcliffe claimed the manors, lands, and hereditaments, comprized in the faid settlement of the twenty fourth day of March, one thousand six hundred and ninety one, as the right and inheritance of him the said claimant, and the heirs male of his body; and by the other of the faid claims, the said John Radcliffe claimed the manors, lands, and bereditaments, comprized in the faid indenture of release of the twenty fourth day of June, one thousand seven hundred and twelve (subjett to the aforesaid rent charge, and to the said term of two hundred years, and the trusts thereof) as the right and inheritance of him the said claimant, and the heirs male of his body: which claims coming afterwards on to be heard before the said commissioners, the claim made by the said John Radcliffe to the manors, lands, and hereditaments, comprized in the said settlement of the twenty fourth day of March, one thousand fix bundred and ninety one, was allowed; and the claim made by him to the manors, lands, and bereditaments, comprized in the said settlement of the twenty fourth day of June, one thou, and seven bundred and twelve, was dismissed: but the decree made by the said commissioners for dismissing the same was, upon an appeal made to the court of delegates, appointed by his said late Majesty by virtue of the faid recited act, made in the fourth year of his reign, reversed, and the faid last mentioned claim was, by the faid court allwed: and whereas by an all made in the ninth year of the reign of his faid late 9 Geo. 1. C. 19. majesty King George the First (intituled, An act to continue the duties for encouragement of the coinage of monies; and for relief of William late lord Widdrington; and to prevent foreign lotteries being carried on in this kingdom; and for ascertaining the duties on bound books imported; and for iffuing certificates and debentures for arrears due to five regiments, to be fatisfied by annuities therein mentioned; and for discharging the duties of rock falt loft on the rivers IVeaver and Mercy; and for limiting the times of continuance of commissioners for forseited estates in England and Scotland respectively, and for appropriating the

fupplies



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supplies granted to his Majesty in this session of parliament; and to rectify milhomers and omiffions of commissioners for the land tax in the year one thousand seven hundred and twenty three) after reciting, That all the claims entered before the commiffsners and trustees in England were heard and determined, and the appeals from the decrees of the said commissioners and trustees in Engand, were also finally determined, it was enacted, That the forfeitod effates in England, by any former all or alls of parliament vested in the said commissioners and trustees, which should remain unfold from and after the twenty ninth day of September, one thousand seven bundred and twenty three, were thereby divefted out of the faid commissioners and trustees, and vested in the King's majesty, his beirs and fuccessors, for the use of the publick : and whereas by indenture bearing date the twenty eighth day of September, anno domini one shouland seven hundred and twenty three, and made ar mentioned to be made between the said George Gregory, Sir Thomas Hales, Henry Cuningham, Denis Bond, John Birch, and Sir John Eyles, commissioners and trustees, nominated and appointed for patting in execution the powers and authorities relating to the forfeited estates in England and Ireland, enacted by the two acts of parliament berein first-mentioned, of the one part, and William Smith of Billiter Square, London esquire, of the other part, reciting the merriage settlement of the said James late earl of Derwentwater; and that the estate for life so limited, as aforesaid to the said Charles Radelitte, of and in all and fingular the faid premisses mentioned in the faid recited settlement of the twenty fourth day of June one thousand feven bundred and twelve, in remainder, after the death of the faid John Radcliffe without iffue male of his body, was vefted in the faid commissioners and trustees for the uses in the said acts mentioned; and that the reversion in see of the same premisses, so limited to the right heirs of the said James late earl of Derwentwater, was also vested in the said commissioners and trustees for the same uses, the said George Gregory, Sir Thomas Hales, Henry Cuningham, Denis Bond, John Birch, and Sir John Eyles, pursuant to the said est of parliament of the fourth year of his said late Mojesty, and in execution of the trust thereby in them reposed, and of the powers and authorities to them, or any four or more of them, thereby given: and for and in consideration of one thousand and fixty pounds, for which the faid William Smith contracted with the faid commissioners and trustees for the purchase of all and singular the premisses, during the life of the said Charles Radcliffe, without impeachment of waste, and for and during so long as the said Charles Radcliffe should have iffue male of his body, in remainder, expectant on the death of the Joid John Radcliffe without iffue male; and also the reversion in fee of and in the said premisses limited to the said James late earl of Derwentwater, did bargain and fell all and fingular the faid barony, manors, lordships, rectories, parsonages, mines, collieries, messuages, lands, tenements, hereditaments, and premisses, comprized in the said indenture of release, bearing date the twenty fourth day of June, one thousand seven hundred and twelve, and every part and parcel thereof, with their and every of their appurtenances, unto the faid William Smith.



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Smith (whom the faid commissioners and trustees did declare and confirm the purchaser thereof, be having bid most for the same on the publick sale, by cant or auction had for that purpose, according to the last mentioned all of parliament) and his heirs, to hold to him, his heirs, and affigns (in case the said John Radcliffe should happen to die without beirs male of his body begotten) for and during the natural life of the said Charles Radcliffe, without impeachment of waste; and for and during so long as the said Charles Radcliffe, should have heirs male of his body lawfully to be begotten and on failure of iffue male of the said Charles Radcliffe, to hold the same premisses unto . the faid William Smith, his heirs and affigns, to the ufe of him, bis heirs, and assigns, for ever: and whereas by another indenture, bearing date the said twenty eighth day of September, one thoufund seven hundred and twenty three, and made between the same commissioners and trustees, of the one part; and the said William Smith, of the other part; reciting the settlement of the twenty fourth day of March, one thousand six hundred and ninety one; and that by the attainder of the faid James late earl of Derwentwater, and the att of parliament afore-mentioned, the reversion in fee, of all the premisses in the said settlement comprized, was vested in the said commisfioners and truftees; and by the attainder of the faid Charles Radcliffe, and the said att of parliament, the remainder in tail, limited to him in the same premisses, expectant on the death of the said John Radcliffe without issue male of his body, was also vested in the said commissioners and trustees, the said George Gregory, Sir Thomas Hales, Henry Cuningham, Denis Bond, John Birch, and Sir John Eyles, in execution of the powers and authorities afore-mentioned; and for and in consideration of one thousand and sixty pounds, for which the faid William Smith contracted with them, not only for the purchase of the same premisses, for the remainder in tail male, so forfeited by the attainder of the faid Charles Radcliffe, and the reversion in fee, so forfeited by the attainder of the said James late earl of Derwentwater, but also for the purchase of a remainder limited by another fettlement to the faid Charles Radcliffe, and his iffue male, and the reversion infee to the suid James late earl of Derwentwater, of and in the barony of Langley, and divers lands and bereditaments, mentioned in the indenture of bargain and fale, herein last before recited, did bargain and fell ali and singular the manors, lordships, hamlets, messuages, lands, tenements, mills, rectories, tythes, and other the premisses, in the said settlement of the twenty fourth day of March, one thousand six hundred and ninety one, comprized with their and every of their appurtenances, unto the faid William Smith (whom the faid commissioners and trustees did thereby declare and confirm the purchaser thereof, he having bil most for the same on the publick sale, by cant or auction had for that purpose, according to the last-mentioned ast of parliament) and his beirs, to hold to bim, his heirs and affigns (in case the said John Radcliffe should happen to die without iffue male of his body) for and during the natural life of the said Charles Radcliffe, and so long as he should have issue male of his body; and in ense the said William Radcliffe, and Arthur Radcliffe, should both happen to die without iffue male of their respective bodies, then to hold the same premisses unto the faid



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William Smith, bis beirs and assigns, to the use of him, his beis and assigns for ever; and whereas the said John Radcliffe departe this life in or about the year one thousand seven hundred and thirty one. before be attained bis age of twenty one years, without iffue, and un, married: and whereas by an act made in the fifth year of the reign of his present Majesty (intituled, An act for making void the se veral contracts for sale of the estate of James late earl of Derwent water to William Smith esquire, and also of the annuity of two hundred pounds, during the life of Charles Radcliffe, and the ar rears thereof, to Matthew White esquire, and the several con veyances made in pursuance of the same;) it was, for the reason therein contained, enreted, That the several contracts made, signed er entered into, or pretended to be made, signed, or entered into, by the said commissioners and trustees, or any of them, for the sale or conveyance to the faid William Smith, of any estate, right, title, or interest of, in, to, or out of the barony, manors, lordships, messua ges, farms, lands, tenements, rectories, tythes, hereditaments, and premisses, in the said recited settlements of the twenty fourth of March one thousand fix hundred and ninety one, and twenty fourth of June one thousand seven hundred and twelve, comprized, or either of then. or of, in, to, or out of any part or parcel thereof, or any lands, te nements, or bereditoments what soever, contracted or pretended to b. contracted for by the said William Smith, for the sum of one thou fand and fixty pounds; and also the contract or contracts, or pretend ed contract or contracts, for the sale, conveyance, or assignment to the faid Matthew White, of the faid annuity of two hundred pounds granted to, or charged for the benefit of the Said Charles Radcliffe; as therein is mentioned, and of the arrears of the same; and also the faid several recited indentures of bargain and sale respectively, bear. ing date the twenty eighth day of September, in the year one thous. fand seven bundred and twenty three; and one other indenture of bare gain and fale therein recited, bearing date the faid twenty eighth Que of September, one thousand seven hundred and twenty three, being the indenture of bargain and fale therein recited to have been made to the said Matthew White, of the said annuity or yearly rent of twis bundred pounds, so granted to the said Charles Radcliffe for his life as aforesaid, together with the arrears thereof incurred and grows due, from the time of the attainder of the said Charles Radcliffe, !! the day of the date of the said indenture; and all and every the barbe gains, sales, conveyances, deeds, and instruments signed, sealed, masi or executed, or pretended so to be, for the conveying, transferring! vesting, passing, and assuring the said several estates, interests, and muity, arrears, and other the premisses, or any part or parcel thereof unto the said William Smith and Matthew White, or either A them, their or either of their heirs, executors, administrators, or an figns, should be, and were thereby set aside and annulled, and west thereby adjudged and declared to be, and to have been absolutely no and void to all intents, constructions, and purposes, as if the same beh never been made; and the attorney general of his Mojesty, his heib and successors, by his or their direction, was thereby impowered to a ply to the court of Exchequer for fale, and the faid court was there by impowered to order sale of the said barony, manors, lands, hered

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tements, and premisses (subject to fuch claims and demands, as bad been allowed by the faid commissioners and trustees, according to the said recited all of the fourth year of his said late Majesty's reign) for such estate and interest as was vested in his Majesty, his heirs and successors, as aforesaid; and the purchase-money was to be paid into the receipt of bis Majesty's exchequer, to be applied and disposed of according to any act or acts of parliament then after to be made for that purpose; and it was thereby further enacted, that until such sale should be made, as by the said ast is directed, it should be lawful for the lords commissioners of his Majesty's treasury, or any three or more of them, or the lord high treasurer for the time being, to cause to be collected and levied all the rents, iffues, and profits of the faid barony, manors, lands, hereditaments, and premisses, and all arrearages thereof since the death of the said John Radcliffe; and to sue for and recover the same in the name of his Majesty, his heirs and successors, and to cause all the monies arising thereby (the necessary charges of lewying, collecting, suing for, and recovering the same, and the incident charges relating thereunto only excepted) to be brought and paid into the receipt of the exchequer, to be applied and disposed of, according to any all or alls of parliament thereafter to be made for that purpose but in the said last-recited act, a saving is made to his Majesty, his beirs and successors, of all such right, title, estate, interest, claim, and demand of, in, unto, or out of the faid premisses, as his Majesty, bis heirs or successors, might have had or been intitled unto, in case that all had never been made, other than and except such right, title, eftate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders before-mentioned, or of the acts of parliament therein recited; and a saving is also in the said last-recited att made to all other persons, other than and except the faid commissioners and trustees, and the said Matthew White an William Smith, and any persons concerned with them in the said costracts or purchases, their respective heirs, executors, administrators and affigns, and all persons claiming or to claim any estate, right, title, interest, or demand, either in law or equity, in, unto, or out of the said premisses, by, from, or under them, of all such right, title, estate, interest, claim, or demand, of, in, unto, or out of the said premisses, as they might have had or been intitled unto, in case that all bad never been made: and whereas by another act of parliament made in the eighth year of the reign of his present Majesty (intituled, An act for &Geo. 2. C. 29. the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater and Charles Radcliffe,) reciting, amongst other things, That there then remained n the receipt of his Majesty's exchequer the sum of seven thousand one undred and eighty two pounds, thirteen shillings, which had arisen at of the rents and profits of the said premisses so vested in his Maefty as aforesaid; and that there were also several sums of money in he hands of the collectors and receivers, and due and in arrear from be tenants and farmers of the said premisses; and farther reciting, That the annuity or rent charge, and also the several mortgages and neumbrances of and upon the said estate of the said late earl of Dermentwater,, or some part thereof, therein and herein after particu-Vol. XIX. larly



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larly mentioned, had been regularly claimed and allowed, according to the direction of the said act of the fourth year of his said late Majesty's reign; and that there was then due, owing, issuing, and payable out of the said estate, or some part thereof, to the several persons therein and herein after-named, the several sums of money and annuity therein and herein after mentioned; that is to say, to the right honourable Robert James lord Petre the sum of twenty thousand pounds principal money, with the interest thereof: to Cuthbert Constable, alias Tunstall, of Burton Constable in Holderness, in the county of York, esquire, upon mortgage, the sum of five thousand nine hundred pounds, principal-money, besides interest; to Mary Chamberlain spinster, Edward Hopkins of the city of Coventry esquire, and Anna Maria his wife, Richard Luther esquire, and Charlotte his wife, upon mortgage, the sum of three thousand pounds principal-money, besides interest: to the lady Catherine Radcliffe, second daughter of Francis late earl of Derwentwater, one annuity or yearly rent charge of one hundred pounds, clear of all taxes, for the term of her natural life, with the arrears thereof; it was enacted, That the faid Sum of Seven thousand one hundred and eighty two pounds, thirteen shillings, so arising and produced of the rents and profits of the said premisses, and remaining in the receipt of the exchequer as aforesaid, should be issued, appropriated, and applied, in the first place, for the paying and clearing off all interest and arrears of the said annuity of one hundred pounds a year, and incumbrances therein and herein before-mentioned, to the twenty fifth day of March, one thousand seven bundred and thirty five; and after payment thereof, the surplus and residue of the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, should (except as therein after is excepted) be appropriated and applied, and was thereby appropriated and applied, towards the building and finishing of the royal hostital for seamen at Greenwich: and it was thereby further enacted, Trut all sums of money collected and received by the respective receivers of the rents and profits of the said premisses, so forfeited and vested in his Majesty as aforesaid, which were not paid into the receipt of the exchequer on or before the twenty fifth day of March, one thousand seven bundred and thirty five, and all arrears of rents and profits of the same premisses, due and owing from the several farmers, tenants, and occupiers of any part or parts thereof at or on the faid twenty fifth day of March, one thousand seven hundred and thirty five; and all the rents, iffues, and profits of the fail premiffes, which should from and after the said twenty fifth day of March, one thousand seven hundred and thirty five, grow, accrue, or become due and payable for andduring his Najoty's faid estate and interest in the faid premisses, subject in the first place to the payment of the said annuity of one hundred pounds a year, as the fame shall grow due, and of all principal and interest due and to grow the upon the several incumbrances therein, and berein before-mentioned, should be iffeed and applied, and were thereby appropriated and applied in the first place for and towards the finishing and completing the building of the sidroval hospital for feamen at Greenwich; and after the building of the same royal hofpital should be completed and finished, for and towards the support of the faid



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faid royal hospital for the better maintenance of the seamen of the said bospital, worn out and become decrepit in the service of their country: and it was thereby further enacted and declared, That the said premisses so forfeited and vested in his Majesty as aforesaid, should not be fold (except as in the said att is excepted) but should remain and continue vested in his Majesty, his heirs, and successors (subject to, and charged and chargeable with, the said annuity of one hundred pounds, and incumbrances aforesaid, and the payment thereof, in the first place) for such estate and interest as aforesaid, for the purposes of the said last-recited act: and his Majesty, his heirs and successors were, by the faid last-recited uct, impowered to authorize the commissioners or governors of the said royal hospital for the time being, or any seven or more of them, to appoint stewards, receivers, or bailiffs of the said premisses, so forfeited and vested in his Majesty as aforesaid, for and during the faid estate and interest of his Majesty, his heirs, and successors, in the same premisses; and to invest them with full power to receive the rents, iffues, and profits thereof; and to give receipts, discharges, and acquittances for the same; and to hold courts, and to do and perform all acts, matters, and things, necessary for the managing the faid premisses, usually done and performed by stewards, receivers, and bailiffs: and his Maiesty, his keirs and successors, were, by the faid last-recited act also impowered, during the continuance of the said estate and interest of his Majesty, his heirs and successors, in the faid premisses, to authorize the commissioners and governors of the faid royal hospital, for the time being, to grant leases of the premisses so ferfeited, and vested in his Majesty as aforesaid, for any term not exceed ng twenty one years in possession, at the best and most improved yea y rent: and it was thereby further enacted, That the commissioners or governors of the faid royal hospital should, and were thereby required, to contract and agree with able and sufficient tradesmen, artifrers, or other persons, for finishing and completing the said royal hofpital in a workman-like and substantial manner, on the easiest and most reasonable terms, according to the plan laid before the house of commons in that Session of parliament; and that they should lay their proceedings therein, with their annual accounts, before his Majesty, and both bouses of parliament respectively: and it was by the said act, for the reasons therein contained, provided and enacted, That out of the rents and profits of the said estate, then remaining in the receipt of bis Majesty's exchequer, there should and might be iffued and paid to the lord viscount Gage in the kingdom of Ireland, the sum of two thoufand pounds without account, and clear of all fees and deductions; in which faid last recited att is contained a faving to his Majesty, bis heirs, and successors, of all such right, title, estate, interest, claim, and demand, of, in, unto, or out of the said premisses, as his Majesty, his beirs and successors, might have had, or been intitled unto, in case that all had never been made; other than and except fuch right, title, eftate, interest, claim, and demand, as was vested in his Majesty, his beirs and fucceffors, by virtue of the several attainders before-mentioned, or of the therein recited acts of parliament; and other than and except fuch right, title, estate, interest, claim, and demand, which his Majesty, bis beirs and successors, had or might have in or to such part



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or parts of the said premisses, which should be sold pursuant to the directions of that act: and therein also is contained a saving to the several mortgagees and incumbrancers before named (till they should be paid off as aforesaid) and to all other persons, of all such right, title, estate, interest, claim, and demand, of, in, unto, or out of the said premisses (except such part or parts thereof, which should be sold purfrant to the directions of that act) as they might have had, or been intitled unto, in case that at bad never been made: and whereas by an act made in the eleventh year of the reign of his present Majesty intituled, An act for explaining and amending an act of the eighth year of his present Majesty's reign, intituled, An act for the application of the rents and profits of the estates forfeited by the attainders of James late earl of Derwentwater, and Charles Radcliffe) it was enacted, That upon the death of his present Majesty, and also upon the death of every successive King and Queen of this realm, all fuch acts and services should be done and performed, and all such fines and sums of money should be paid by the respective tenants of the eftates to every successor of his Majesty, or (in case any of the said estates should be fold) to such other person who shall be the owner thereof, as by the ancient tenure thereof, or by any contract, law, usage, or cuftom, ought to be done, performed and paid by them, in case such King or Queen so dying, was considered as a private person only, and not in his or ber politick capacity; and that for default of performance of fuch acts and services, which ought so to be done and performed, and for default of payment of any such fines and sums of money, which ought fo to be paid, fuch forfeitures and penalties should accrue and become due, and it should be lawful for his Majesty, his beirs and successors, and for all persons by him or them appointed, or who should be then owners of the said estates, to use and take all such ways and means for recovering and taking advantage of the said forfeitures and penalties, as might be lawfully used or taken by any lord of the said estates, in case fuch king or queen so dying was considered as a private person only and not in his or her politick capacity; and that all the said fines, sums of money, penalties, and forfeitures, which should accrue and become due to his Majesty, his heirs and successors, during his and their interest therein, should be applied to and for the use and benefit of the royal hospital for seamen at Greenwich; and the attorney general of bis Majesty, his beirs and successors, by his or their direction, was impowered by the faid att to apply to his Majefly's court of Exchequer at Westminster, by motion, in a summary way, for the sale of all, or of fuch part or parts of the timber on the said estates, while the same Should remain unfold, from time to time, and at all times, as should be abought fit; and the money arising by such fale or sales, was to be applied by the direction of the faid court, to the discharge of the incumbrances with which the faid estates then stood charged; and in the mean time was to be paid by the purchasers into the court of Exchequer, or to the treasurer of the said bospital for the time being, or to be placed out in such government or other securities, and in the names of fuch persons, as the said court should direct; and in case there should happen to be any surplus of the said money, the same was to be applied in the first place, for and towards the finishing and completing the build-

#1 Geo. 2. E. 30.

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ing of the said royal hospital; and after the building of the same royal hospital should be completed and finished, for and towards the Support of the said royal hospital, for the better maintenance of the Jeamen of the said royal hospital worn out and become decrepit in the fervice of their country; and after the said incumbrances should be totally discharged, then all the produce of, or money arising by, the sale or fales of any timber on the said estates, was to be, from time to time, and at all times, wholly appropriated and applied to the use of the said hospital: and it was by the said act enacted, That for or towards the discharge of the aforesaid mortgages and incumbrances (except the said annuity of one hundred pounds a year) and not otherwife, it should and might be lawful to and for the attorney general of his Majesty, his heirs and successors, by his and their direction, to apply to his Majesty's Said court of Exchequer, by motion, in a Summary way, for the sale or sales to any person or persons, being protestants, of the fee-simple and inheritance of any of the said premisses so forfeited, and vested in his Majesty as aforesaid, which were not charged with the said mortgages and incumbrances, as should be thought most convenient to be fold and disposed of, and the money arising by such sale or sales was to be applied, by the direction of the said court, for or towards the discharge of the said incumbrances, or some of them, and in the mean time was to be paid by the purchasers into the court of Exchequer, or to the treasurer of the said hospital for the time being, or to be placed out in such government or other securities, and in the names of such persons, as the said court should direct; and in case there should happen to be any surplus of the said pur hase-money, the same was to be applied for the benefit of the said bof ital: and it was by the said last-recited act also enacted, That it should and might be lawful for his Majesty, his heirs and successors. during the continuance of his or their estate in the premisses, by sign ranual, to authorize the commissioners and governors of the said hofpital, or any seven or more of them, to demise and grant all the mines of lead, coal, and other minerals, as well unopened as opened, within and under the said lands and premisses, for any number of years, not exceeding twenty one years, in possession and not in reverfion, reserving the best rents or dues that could be reasonably got for the same: and after reciting, That the interest of the principal-money, due on the mortgages and incumbrances in the faid all mentioned, was partly at the rate of five pounds for one hundred pounds, and partly at the rate of fix pounds for one hundred pounds, for a year. it was enacted, That it should and might be lawful for his Majesty, bis heirs and successors, by sign manual, to authorize the commissioners or governors of the Said hospital for the time being, or any seven or more of them, to agree with the respective mortgagees and incumbrancers of the said premisses in the said att of the eighth year of his present Majesty's reign named, their executors, administrators, or affigns, for any less rate or interest for the principal-money due on their securities respectively, than the same was then at; and in case the said mortgagees and incumbrancers should not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off the principal-money due



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on the said mortgages and incumbrances, upon the same being assigned unto fuch person or persons respectively so advancing such money; provided that such affignments should be made for the respective principal-money only of the said mortgages and incumbrances, and for the interest of such principal-money to grow due, from and after the making of such assignments respectively; and that the said principalmoney, and interest thereof, in all such assignments, should be made payable at the end of fix months at the farthest, from the day of the making such assignments respectively: in which said last-recited act there is contained the like saving to his Majesty, and to all other persons, as in the said act of the eighth year of his said present Majesty's reign is contained; as by the said several recited acts of parliament may (amongst other things therein contained) more fully appear: and whereas the said sum of seven thousand one hundred and eighty two pounds, thirteen shillings, so remaining in his Majesty's exchequer as aforesaid, was applied according to the directions of the said recited att of the eighth year of his present Majesty's reign; and the several Jums of money which had been collected and received by the respective receivers of the rents and profits of the aforefuld premiffes, which were not paid into the recipt of the exchequer on or before the twenty fifth day of March, me thousand seven hundred and thirty five; and the arrears of reuts and profits of the same premisses, due and owing from the several farmers, tenants, and occupiers thereof, at or on the said twenty fifth day of March, one thousand seven hundred and thirty five; and also the rents, issues, and profits of the said premisses, which from and after the said twenty fifth day of March. one thousand seven hundred and thirty five, to the time of making this act, have accrued, or become due or payable, or so much th reof as could be got in and received, have, from time to time, been app. ied for such purposes as the same were directed to be applied by the said acts of the eighth and eleventh years of his present Majesty's reign as by the account of the proceedings of the commissioners or governors of the said royal hospital at Greenwich, with respect to their contracting and agreeing with tradesmen, artificers, or other persons, for finishing and completing the said royal hospital, in the manner mentioned in the said act of the eighth year of his present Majesty's reign, and also the annual accounts of the said commissioners or governors, with respect to the rents, issues, and profits of the said premisses that have been received by them, which the Said commissioners or governors bave, from time to time, according to the directions of the said act of the eighth year of his present Majesty's reign, laid before his Majefty and both houses of parliament may appear: and whereas the said Tady Catharine Radcliffe, Second daughter of the Said Francis earl of Derwentwater, is reputed to be dead, and all arrears of the fiid annuity or yearly rent charge of one hundred pounds, payable to her as aforesaid, are supposed to have been paid and satisfied: and whereas the said Robert James lord Petre (who inter-married with the faid Anna Maria, daughter to the faid James late earl of Derwentwater, by the said Anna Maria his wife) having refused to accept of any less interest for the said principal sum of twenty thousand pounds, due for the portion of the suid Anna Maria lady Petre bis wife,



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wife, than the same was then at; and the right honourable Sir Charles Wager knight, Sir Thomas Littleton, Sir Thomas Frankland, baronets, Sir Jacob Ackworth knight, Thomas Pearle George Purvis, Josiah Burchett, Tudor Trevor, lieutenant governor Nicholas Clarke, and William Baxter, esquires; ten of the commissioners or governors of the said royal hospital, authorized and impowered by his Majesty's sign manual, bearing date the twenty Seventh day of June one thousand seven hundred and thirty eight, purfuant to the said all of parliament made in the eleventh year of his present Majesty's reign, having agreed with the governor and company of the bank of England, for advancing money at the rate of four pounds per centum per annum, for paying off the said principal sum of twenty thousand pounds; and the term of five hundred years, limited by the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, to the said Other earl of Plymouth, and William lord Widdrington, having by the attainder of the faid lord Widdringon, who survived the faid earl of Plymouth, been vested in his Majesty, the said Robert James lord Petre, and Anna Maria lady Petre his wife, in consideration of the fum of twenty thousand pounds to the said lord Petre paid by the governor and company of the bank of England, did by a certain indenture tripartite, bearing date the eleventh day of May, one thousand seven hundred and thirty nine, by the appointment and direction of the faid Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Pearle, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Chrke, and William Baxter, bargain, sell, and assign, unto the said; governor and company of the bank of England, their successors, and assigns, the barony, manors, lands, and hereditaments, by the faid indenture of release of the twenty fourth day of June, one thoufind seven hundred and twelve, limited to the said earl of Plymouth, and lord Widdrington, for the term of five hundred years as aforefaid; and all the estate, right, title, and interest, of the said Robert James lord Petre, and Anna Maria lady Petre his wife, of, in, and to the said barony, manors, lands, tenements, and hereditaments, and in and to the faid term of five hundred years, and of, in, and to the faid twenty thousand pounds, to hold the same to the faid governor and company of the bank of England, their successors and afsigns, for the residue then to come of the said term of five hundred years, subject to a proviso for redemption, on payment of the said sum of twenty thousand pounds, with interest for the same, at the rate of four pounds per centum per annum, on the eleventh day of November then next; and the said commissioners or governors of the said hofpital, having, since the time limited by the faid provise, paid out of the monies belonging to the faid hospital, the faid sum of twenty thoufand pounds, with all interest due for the same, the said governor and company of the bank of England did, by indenture bearing date the fixteenth day of February, one thousand seven hundred and forty eight, bargain, sell, and assign, unto the right honourable Archibald Hamilton esquire, commonly called lord Archibald Hamilton, governor of the faid royal hofpital, Charles Smith efquire, lieutenant governor of the faid hofpital, James Gunman efquire, treasurer of the Ee4 faid



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Said bospital, Sir Edward Bellamy knight, (fince deceased) Sir John Thompson knight, William Fawkener esquire, and William Baxter esquire, seven of the commissioners or governors of the said bospital, the barony, manors, lands, and hereditaments, so limited to the said earl of Plymouth and lora Widdrington, for the term of five bundred years, as aforesaid, and all the estate, right, title, and interest of the said governor and company of the bank of England, of, in, and to the said barony, manors, lands, tenements, and hereditamonts, and in and to the said term of five hundred years, to hold the fame unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and assigns, for the remainder then to come of the said term of five bundred years, in trust, and to the intent that the rents, issues, and profits of the said premisses should and might be appropriated, applied, and disposed of, to the uses, and for the purposes directed in and by the said act of parliament made in the said eighth year of the reign of his Said present Majesty, and for that purpose that the said term and estate might attend and wait upon the freehold and inheritance thereof, as the same was then vested in his Majesty, his heirs and successors: and whereas the faid Cuthbert Constable, alias Tunstall, having refused to accept of any less rate or interest for the said principal sum of five thousand and nine hundred pounds, mentioned in the said recited all of the eighth year of his present Majesty's reign to be due to him upon mortgage, than the same was then at (and which sum of five thoufand and nine hundred pounds, and the interest thereof, was heretofore secured to the said lady Mary Radcliffe, by a mortgage made to her by the said Edward earl of Derwentwater of the said manors of Spindleston and Utchester, for the tirm of five hundred years, by indenture bearing date the twenty second day of April, one thousand six hundred and ninety nine, pursuant to a power given him for that purpose by a certain act of parliament therein mentioned, in full satisfaction of the said sum of five thousand pounds, directed by the said recited indenture of release of the twenty fourth of March, one thousand six bundred and ninety one, to be raised for her, and the interest thereof to that time, and to which sum of five thousand nine hundred pounds the faid Cuthbert Constable, alias Tunstall, became intitled by virtue of the will of the Said lady Mary Radcliffe, of which will he was then the surviving executor) and the said Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, and Sir Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, and William Baxter, having agreed with the governor and company of the bank of England, for advancing money at the rate of four pounds per centum per annum, for paying off the said sum of five thousand nine hundred pounds, the faid Cuthbert Conftable, alias Tunstall, in consideration of the said fum of five thou fand nine hundred pounds paid to him by the faid governor and company of the bank of England, did, by the appointment and direction of the Said Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Ni-



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cholas Clarke, and William Baxter, grant, bargain, fell, and afsign to the said governor and company of the bank of England, and their successors and assigns, the said manors of Spindleston and Utchester, to hold the same unto the said governor and company of the bank of England, and their successors and assigns, for the remainder then to come of the said term of five hundred years, by the said indenture of the twenty second day of April, one thousand fix hundred and ninety nine, granted, Subject to a proviso for the surrendering and affigning the said premisses to the said Sir Charles Wager, Sir Thomas Littleton, Sir Thomas Frankland, Sir Jacob Ackworth, Thomas Pearse, George Purvis, Josiah Burchett, Tudor Trevor, Nicholas Clarke, and William Baxter, their executors, administrators, or assigns, or to such person or persons as they should appoint and direct, on payment of the Said Sum of five thousand nine bundred pounds, with interest for the same, at the rate of four pounds per centum per annum, at the time therein mentioned : and the commissioners or governors of the said hospital, or some of them, having fince paid out of the monies and revenues belonging to the faid hofpital, the said sum of five thousand nine hundred pounds, with all interest due for the same, the said governor and company of the bank of England, did, by another indenture bearing date the said sixeeenth day of February, one thousand seven hundred and forty eight, bargain, sell, and affign unto the faid Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and affigns, the faid manors of Spindleston and Utchester, to hold the same unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and affigns, for the remainder then to come of the faid last-mentioned term of five hundred years, in trust, and to the intent that the rents, issues, and profits of the said manors and premisses should and might be appropriated, applied, and disposed, to the uses, and for the purposes, directed in and by the faid act of parliament made in the faid eighth year of the reign of his present Majesty; and for that purpose, that the said term and estate might attend and wait upon the freehold and inheritance thereof, as the same was then vested in his Majesty, his heirs, and successors: and whereas the said Mary Chamberlain, Edward Hopkins, and Anna Maria his wife, and Richard Luther and Charlotte his wife, did immediately after the passing the said recited act, made in the eleventhy car of his Majesty's reign, agree with the commissioners or governors of the Said hospital to accept of four pounds per centum per annum, for the interest of the Jaid principal sum of three thousand pounds, mentioned in the said recited act of the eighth year of his present Majesty's reign to be due to them upon mortgage (which sum of three thousand pounds was, by the said Edward earl of Derwentwater, by a certain deed poll, bearing date the twenty fourth day of June, one thousand six hundred and ninety nine, pursuant to a power to him given by a certain indenture of release, bearing date the twentieth day of May, in the third year of the reign of his Majesty King James the Second, charged upon the faid barony, manor,



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or lordskip of Langley, and several other of the manors, lands, and bereditaments before-mentioned, and other the lands in the faid deed poll mentioned, for the portion of his daughter lady Tudor Radcliffe, and which sum of three thousand pounds, was afterwards affigned to Hugh Chamberlain doctor in physick, by William Petre junior efquire, who intermarried with the said lady Tudor Radcliffe; and the faid lady Tudor his wife, by indenture tripartite, bearing date the first day of July, one thousand seven hundred and twenty two, in the manner in the said indenture mentioned; and which said Hugh Chamberlain afterwards died, having first made his last will and testament in writing, and two codicils thereunto, and appointed his three daughters, the faid Mary Chamberlain, Anna Maria Hopkins, and Charlotte Luther, executrixes of his will) but the said Edward Hopkins, having afterwards died, and the said Mary Chamberlain, Anna Maria Hopkins, Richard Luther, and Charlotte his wife, having thought fit to call in the said principal sum of three thoufand pounds, the commissioners or governors of the said hospital did, out of the monies and revenues belonging to the said hospital pay the said Jum of three thousand pounds, and all interest due for the same; and thereupon the faid Mary Chamberlain, Anna Maria Hopkins, Richard Luther and Charlotte his wife, did by indenture, bearing date the fixteenth day of May, one thousand seven hundred and forty eight, affignuntothe faid Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and affigns, the faid sum of three thousand pounds, and all interest thereafter to grow due for the same, and all their estate and interest in and to the faid manor or lordship of Langley, and other the manors, lands, and bereditaments, by the faid last-mentioned deed poll charged with the faid fum of three thousand pounds and interest (except as therein is mentioned) to bold the said barony, manors, lands, and hereditaments (except as therein is mentioned) and the said sum of three thousand pounds charged thereon, unto the faid Archibald Hamilton, Charles Smith James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their heirs, executors, administrators and assigns, upon trust, to and for the use and benefit of the faid royal hospital at Greenwich: and whereas the aforesaid Charles Radcliffe, did, after his having been so attainted as aforefaid, inter-marry with the right honourable Charlotte countefs of Newburgh, by whom he had iffue two sons, namely James Bartholomew Radcliffe, commonly called lord Kenaird, his eldest son who was born in France out of his Majesty's allegiance, on the twenty fifth day of August, one thousand seven hundred and twenty five, and James Clement Radcliffe his youngest son, and three daughters, to wit, the lady Charlotte Radcliffe, lady Barbara Radcliffe, and lady Mary Radcliffe, who were all also born out of his Majesty's allegiance in parts beyond the seas, and all of them (except the said lady Mary Radcliffe) have attained their respective ages of twenty one years: and whereas by a clause in an act made in the seventh year of the reign of her late majesty Queen Anne (intituled, An act for the naturalizing foreign protestants) it was enacted, That the children of all natural-born subjects, born out of the legiance of ber Majesty, her beirs

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beirs and successors, should be deemed, adjudged, and taken to be natural-born subjects of this kingdom, to all intents, constructions, and purposes what soever: and whereas by an act of parliament made in 4 Geo. 2. C. 21. the fourth year of his present Majesty's reign (intituled, An act to explain a clause in an act made in the seventh year of the reign of her late majesty Queen Anne, For naturalizing foreign protestants, which relates to the children of the natural-born subjects of the crown of England, or of Great Britain) it was enacted, That all children, born out of the legiance of the crown of England, or of Great Britain, or which should thereafter be born out of such legiance, whose fathers were or should be natural-born subjects of the crown of England, or of Great Britain, at the time of the birth of such children respectively, should and might, by virtue of the said recited clause in the said att of the seventh year of the reign of her late Majesty, and of that act, be adjudged and taken to be, and all such children were thereby declared to be natural-born subjects of the crown of Great Britain, to all intents, constructions, and purposes what soever; but it was by the said all provided, and further declared and enacted, That nothing in the said recited act of the seventh year of ber said late Majesty's reign, or in that all contained, did or should extend, or ought to be construed, adjudged, or taken to extend, to make any children, born or to be born out of the legiance of the crown of England, or of the crown of Great Britain, to be natural-born subjects of the crown of England, or of Great Britain, whose fathers, at the birth of such children respectively, were or should be attainted of high treason, by judgment, outlawry, or otherwise, either in this kingdom or in Ireland; or whose fathers, at the time of the birth of such children respectively, by any law or laws made in this kingdom, or in Ireland, were or should be liable to the penalties of bigh treason or felony, in case of their returning into this kingdom, or into Ireland, without the licence of his Majesty, his heirs or successors, or of any of his Majesty's royal predecessors; or whose fathers, at the stime of the birth of such children respectively, were or should be in the actual service of any foreign prince or state then in enmity with the crown of England, or of Great Britain; but that all such children were, and Should be and remain, in the same state, plight, and condition, to all intents, constructions, and purposes what some, as they would have been in, if the said att of the seventh year of her said late Majesty's reign, or that all, had never been made, as by the faid two last-mentioned acts of parliament may more fully appear: and whereas the faid James Bartholomew Radcliffe, commonly called lord Kennaird, bath made a most dutiful representation to your Majesty; wherein, after having set forth the several limitations contained in the said settlement of the twenty fourth of June, one thousand seven hundred and twelve, and the several attainders of the said James earl of Derwentwater, and Charles Radcliffe bis father, and his being the frst son of the body of the said Charles Radcliffe, and the several acts of parliament kerein before-recited, relating to the faid forfeited estates, and that, by virtue thereof, the said manors, lands, and hereditaments, comprized in the faid last-mentioned settlement, became vested in your Majesty, your heirs and successors, according to such estates and interests as the said attainted persons bad therein at the



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times mentioned in the said first recited act, he the said James Bartholomew Radcliffe did, in all humility, shew to your Majesty, that being advised that your Majesty's estate and interest in the manors, lands, and hereditaments, comprized in the faid settlement, under the said aets, did determine on the death of the said Charles Radcliffe, be the said James Bartholomew Radcliffe did well hope, that the commissioners and governors of Greenwich Hospital would have admitted him to be intitled, from the time of the death of the said Charles Radcliffe, to the possession of the said last-mentioned manors, lands, and hereditaments, under the limitations contained in the said settlement of the twenty fourth of June, one thousand seven bundred and twelve, to the first and other sons of the said Charles Radcliffe in tail male; but that he found the said commissioners and governors did not look on your Majesty's estate and interest in the said premisses to be determined, but did consider the said right, title, claim, and interest, which the said James Bartholomew Radcliffe pretended to under the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, to be null and void, inasmuch as neither the trustees for preserving the contingent remainders under the said settlement, nor any other person for or on the behalf of the first and other sons of the said Charles Radcliffe, had made any claim before the commissioners appointed by the said recited acts of the first and fourth years of his late Majesty, for the determining claims as aforesaid: and the said James Bartholomew Radcliffe did also shew to your Majesty, that he found it might be objected to him, that, as be was born within the dominions of the French King, in the year one thousand seven hundred and twenty five, and out of your Majesty's legiance, he was to be considered as an alien, and was to be excluded from all right and title to the said estates, although he was born of natural-born subjects, as before is mentioned; and thereupon the said James Bartholomew Radcliffe did most humbly represent it to your Majesty, that if he should be found to be an alien under the said act of the fourth year of your Majesty's reign, it could not be of any avail to him to litigate the question touching the necessity there was, under the all of his late Majesty, to enter a claim in behalf of an unborn person; and as the said James Bartholomew Radcliffe was absolutely unable to bear the expence of such a litigation, he did therefore submit to your Majesty's consideration several reasons and arguments in Support of his right and title to the said estates, and whether he was to be considered as an alien, or not; and although he was to be considered as an alien, in which case he would be incapable to hold any estate against the crown, yet nevertheless he did contend, that he was capable for the benefit of the crown, to take such estate and interest as was limited to him by the said settlement; in regard whereof, and of the many singular hardships attending his case, he did humbly be-Jeech your Majesty to extend your grace and favour to him, and to grant him such relief for his support, as the circumstances of his case should require: and whereas your Majesty, out of your princely clemency, and from those motives of goodness and compassion, which are inherent in your royal nature, bath been pleased to fignify to your parliament, That your Majesty was graciously inclined, that forne



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some relief should be granted to the said James Bartholomew Radcliffe, so as the same should be consistent with the just rights of Greenwich Hospital: and whereas the said commissioners and governors of the said hospital are advised, that great doubts may arise, whether upon the construction of the true intent of the said all of the first year of the reign of his late majesty King George the First, and of the said other act of the fourth year of his reign, the use and estate in remainder limited by the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, to the first and other sons of the said Charles Radcliffe, was lost and destroyed, by reason that the same was not claimed before the commissioners and trustee: appointed by the said act, for and on the bebalf of such first and other sons, within the time prescribed by the said acts; and it may also be doubted, whether the claim made in behalf of the said John Radcliffe of the precedent use and estate limited to him, and the allowance thereof by the court of delegates, in such manner as before is mentioned, did not revest all the manors and hereditaments comprized in the faid settlement of one thousand seven bundred and twelve, to the several uses limited in and by the said settlement, with such remainders as therein are expressed: and the said commissioners and governors are also advised, That in case the said att should not extend to make the said use and estate in remainder, limited by the said settlement to the first and other sons of the said Charles Radcliffe (they not being born or in being at the time of the said acts, and therefore not being persons actually having any estate and interest at that time) absolutely null and void, then the estate and interest of your Majesty, and consequently the right and title of the said hospital, which depends on the continuance thereof, may be considered as having determined on the death of the said Charles Radcliffe; and if the said James Bartholomew Radcliffe should be considered as an alien, then a new right might accrue to your Majesty, in virtue of your prerogative royal, so soon as an inquisition should be taken, finding the faid James Bartholomew Radcliffe to be an alien accordingly: in regard of all which, and many other doubts and difficulties, the said commissioners and governors are advised, That it will be for the interest and advantage of the said hospital to consent that the said manors, lands, and hereditaments shall stand charged with the raising such sum of money as herein after is mentioned; so as that the right and title of the said hospital to the said manors, lands, and hereditaments, may be fully established, and that the fee and inheritance thereof may be absolutely vested in trustees for the use and benefit of the said hospital for ever, free and discharged from all the right, title, claim, and demand of the said James Bartholomew Radcliffe, and of his Majesty in his right, and of all others claiming by or under any of the limitations contained in the faid fettlement, fo dated the faid twenty fourth day of June, one thousand seven hundred and twelve, as aforesaid; and so that the said commissioners and governors of the said hospital may have and exercise full power to cut down and make sale of the timber on the premisses for the benefit of the said hespital, as they shall think fit, and to make such leafes of the same, and of the mines open or unopen, as they shall think proper: and whereas the faid

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faid Charlotte countefs of Newburgh, for and on the behalf of the faid James Clement Radcliffe, her second son, and the said lady Charlotte Radcliffe, lady Barbara Radcliffe, and lady Mary Radcliffe, bath most humbly implored your Majesty to extend your royal grace and favour to them, humbly representing, That if no relief should be granted to them, they will be destitute of all manner of provision after the death of the said countess of Newburgh; and the said James Bartholomew Radcliffe is consenting, That all the right, title, and interest, which he or his issue male hath or can have, to the manors, lands, tenements, and hereditaments, comprized in the settlement of the said twenty fourth day of June, one thousand seven hunded and twelve, shall be extinguished by authority of parliament, and that the absolute seesimple, and inheritance of the said premisses, shall be so vested in the said royal hospital at Greenwich, and their successors, for ever: and whereas your Majesty has been graciously pleased to signify to your parliament, That your Majesty was willing and desirous, and gave your consent, that the parliament might make whatever disposition and settlement they should think fit of the interest your Majesty hath or may have in the said estates, so as the same be for the use and benefit of the royal hospital at Greenwich, with the allowance which shall be thought proper to be made mercout for the relief of the children of the faid Charles Radeliffe · wherefore your Majesty's faithful commons in parliament affembled, do humbly befeech your Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all hereindescrib- the said barony, manor, or lordship of Langley, with the rights, members, and appurtenances thereof, in the county of Northumberland; and also all those the said manors of Whittingstall alias Quittingstall, and Newlands, Diuston, alias Develston, Aydon Shields, Warke, Elrington, and Meldon, and every of them, with their and every of their rights, members, and appurtenances in the faid county of Northumberland; and all those the said manors or reputed manors of Spindleston, Utchester, Throckley, Coastley, Middleton Hall, East Thornton, alias Thornton East, Westwood, and Thornborough, and every of them, with their and every of their rights, members, and appurtenances in the faid county of Northumberland; and also all that the advowson of the faid church of Symondburne, with the appurtenances in the said county of Northumberland; and also all those the said manors or reputed manors of Castlerigg and Derwentwater alias Keswick and Thornthwaite, with their and every of their rights, members, and appurtenances in the county of Cumberland; and also all that the faid manor of Scremerston, with the rights, members, and appurtenances in the county palatine of Durham; and also all and singular the messuages, granges, farms, lands, meadows, pastures, feedings, woods, underwoods, tenements, and hereditaments whatsoever, late the estate of the said James late earl of Derwentwater, or whereof he was seised of any estate of inheritance in possession, reversion, remainder, or expectancy, situ-

The Barony and manors ed, divefted out of his Ma. jesty from the death of Charles Radcliffe,



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ate, lying, and being in the faid counties of Northumberland and Cumberland, county palatine of Durham, and every of them, with their appurtenances, which, by the faid recited indentures of lease and release of the twenty third and twenty fourth days of June, one thousand seven hundred and twelve, were settled, limited, and affured to the uses in the said indenture of release of the twenty fourth day of June, one thousand seven hundred and twelve, mentioned; and the reversion and reversions, remainder and remainders, rents, iffues, and profits of all and fingular the same premisses, shall, from and immediately after the death of the said Charles Radcliffe, be and be deemed to be, and to have been divested out of his Majesty, his heirs and successors, and fettled upon, and vested in, and the same are hereby from thenceforth settled upon and vested in the most noble Charles duke of Richmond and Lonox, and the right honourable Honry Fox esquire, their heirs and assigns, freed, acquitted, and absolutely discharged of, from, and against all and every the uses, and vested in estates, and limitations, in and by the said indenture of release or the duke of settlement, bearing date the said twenty fourth day of June, Richmond one thousand seven hundred and twelve, limited and created of and the right and concerning the same, to and for the first and other sons of honourable the said Charles Radcliffe, and the issue male of such first and quire, for the other fons, and freed and absolutely discharged of and from all term of 500 fuch right, title, estate, interest, claim, and demand, as was years. vested in his Majesty, his heirs and successors, by virtue of the feveral attainders herein before-mentioned, or of the faid feveral acts of parliament herein before-recited, or any of them, and also freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as is vested, or that might or could accrue or belong to his Majesty, his heirs or successors, by reason or means of the said James Bartholomero Radcliffe, and fames Clement Radcliffe, or either of them, having been born out of the dominions of the crown of Great Britain, or otherwise howsoever, save as herein after is saved; to the use of them the said Charles duke of Richmond and Lenox, and Henry Fox, their executors, administrators, and assigns, for and during, and unto the full end and term of five hundred years, to be computed from the day of the death of the said Charles Radcliffe, and from thence next ensuing, and fully to be compleat and ended, without impeachment of waste; and from and after and after the the end, expiration, or other determination of the said term, expiration of then to and for the only proper use and behoof of the right the said term, honourable Archibald Hamilton esquire, commonly called lord in the com-Archibald Hamilton, Charles Smith esquire, James Gunman esquire, Greenwich Sir John Thompson knight, Sir James Creed knight, Peter Burrell Hospital. esquire, William Fawkener esquire, William Baxter esquire, Edward Vernon esquire, Thomas Ripley esquire, doctor David Cockburn, James Spilman esquire, William Allix esquire, Fitzwilliam Plumptre esquire, William Young esquire, and captain Francis Danlays, being fixteen of the commissioners, or governors and directors of the faid royal hospital for seamen at Greenwich, their

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heirs and affigns for ever; in trust nevertheless for themselves: and the rest of the commissioners, or governors and directors for the time being of the faid royal hospital, for the uses and purposes following; (that is to say) In the first place, for and towards the finishing and completing the building of the said; royal hospital; and after the building of the same shall be completed and finished, for and towards the support of the said royal hospital, for the better maintenance of the seamen of the faid hospital, worn out and become decrepit in the service of their country.

Certain lands his Majesty,

II. And it is further enacted by the authority aforesaid, That] diverted out of all that the said manor and lordship of Alftone alias Aldstone Moorest and Garrigill, and all and every the rights, members, and ap-t purtenances thereunto belonging, in the faid county of Cumber-1 land; and all those the said two parts (the whole into three parts to be divided) of the faid manor and lordship of Newton-, Hall, in the faid county of Northumberland; and all that the faid moiety or one half part of the faid village or township of Buteland, in the faid parish of Chollerton and county of Northum-1 berland; and all those the said rectories and parsonages of Kirkec. Whelpington, Harburne alias Hartburne, and Midford, in the saidt county of Northumberland; and all and fingular the meffuages, r tythes, farms, lands, tenements, and hereditaments whatfoever,o fituate, lying, and being in the faid county of Northumberland, s: which by the said recited indentures of lease and release of thea twenty third and twenty fourth days of March, one thousandc fix hundred and ninety one, were lettled, limited, and affured to the uses in the said indenture of release of the twenty fourtht day of March, one thousand six hundred and ninety one, men-t tioned, and which, by virtue of the feveral attainders hereinv before-mentioned, and of the faid recited acts of parliament, or fome of them, do now remain vested in his Majesty, his heirs! and fuccessors, subject to such appropriation for the rents and le profits thereof for the use and benefit of the said royal hospital at 1 Greenwich, as aforefaid; and the reversion and reversions, re-1 mainder and remainders, rents, issues, and profits of all and b fingular the faid last-mentioned premisses, shall from henceforth 2 be divested out of his Majesty, his heirs and successors, and the t fame shall be, and shall be deemed to be, and they are accorded ingly, from henceforth, fettled upon, and vested in the said c Archibald Hamilton, Charles Smith, James Gunman, Sir John F certain of the Thompson, Sir James Creed, Peter Burrell, William Fawkener, t for Greenwich William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, Wil-S liam Young, and Francis Dansays, their heirs and assigns, to the s use of them, their heirs and assigns for ever, in trust neverthe-a less for themselves and the rest of the commissioners, or gover-t nors and directors for the time being of the said royal hospital, t for and towards finishing and completing the building of the said a royal hospital; and after the building of the same shall be com-! pleated and finished, for and towards the support of the said roy-

and vefted in Hospital in truft.



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al hospital for the better maintenance of the seamen of the laid hospital, worn out and become decrepit in the service of their country, freed and absolutely discharged of and from all such right, title, estate, interest, claim, and demand, as was vested in his Majesty, his heirs and successors, by virtue of the several attainders herein before-mentioned, or of the said several acts of parliament herein before recited, or any of them, or otherwise howfoever, and freed and absolutely discharged of and from all fuch right, title, estate, interest, claim, or demand, as any other person or persons whatsoever hath or have, or may or can have, in or to the faid last-mentioned manors, messuages, lands, tenements, and hereditaments, or in or to any part or parcel thereof, upon any account howfoever, fave as herein after is mentioned.

. III. And it is hereby enacted, That the faid, Archibald Ha- The trustees milton, Charles Smith, James Gunman, Sir John Thompson, Sir to hold the James Creed, Peter Burrell, William Fawkener, William Baxter, said manors, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman &c. in trust, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, their heirs and assigns, shall, in trust as aforesaid, but subject to the said term of five hundred years (as to the premisses comprized in the said settlement of the twenty fourth day of June, one thousand seven hundred and twelve, and as the fame is herein before created and limited) hold and enjoy all and fingular the manors, lands, tenements, and hereditaments, comprized in the faid settlements of the twenty fourth day of March, one thousand six hundred and ninety one, and the twenty fourth day of June, one thousand seven hundred and twelve, and which are herein before veited or mentioned to be vested in them the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Danfays; and the fame shall be and be deemed to be held of the King's majesty, his heirs and successors, as of his Majesty's manor of East Greenwich in the county of Kent, by free and common foccage tenure; but nevertheless the said manors, lands, tenements, and here- subject to ditaments shall be and shall be deemed to be subject to such quit rents, quit-rents, crown-rents, and dutchy-rents issuing thereout respectively, as the same were respectively liable to on the twenty third of June, one thousand seven hundred and fifteen.

IV. And it is also hereby enacted and declared, That the pre- to be accountfent or future commissioners, or governors and directors of the able to the said royal hospital at Greenwich, or any of them, shall not be hospital. answerable or accountable to any person or persons, other than to the said royal ho.pital, for or in respect of all or any part of the rents, issues, and profits of the manors, lands, tenements, and hereditaments, comprized in the faid recited indentures of lease and release of the twenty third and twenty fourth days of June, one thousand seven hundred and twelve, which accrued

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or became due from the death of the said Charles Radeliffe, and which have already been, or shall hereafter be received by them. or any of them, except by laying such accounts before his Majesty, and both houses of parliament, as by the said recited act of the eighth year of his present Majesty's reign is directed; but that all fuch rents, issues, and profits, and all fines and sums of money which accrued, or became due or payable from the death of the said Charles Radeliffe, shall be appropriated and applied to the uses, and for the purposes, in the said act of the eighth year of his present Majesty's reign mentioned, and herein before recited; nevertheless they the said commissioners, or governors and directors for the time being, shall, from time to time, lay the accounts of their receipts, payments, and disbursements before his Majesty, and both houses of parliament, as by the said recited act of the eighth of his present Majesty is directed, as well with respect to the manors, lands, and hereditaments, comprized in the faid settlement of the twenty fourth day of June, one thousand seven hundred and twelve, as with respect to the manors, lands, and hereditaments,, comprized in the faid settlement of the twenty sourth day of March, one thousand

fix hundred and ninety one.

V. And whereas by reason of the limitation herein before made to the faid Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, of the Said manors, lands, tenements, and bereditaments, in manner as aforesaid, a doubt may be made, whether the tenants of the said estates ought from henceforth to do such acts and services, and pay such fines and sums, as by the nature and tenurs of their estates, founded upon immemorial ujuge and custom, or otherwise, they would be to have done and performed, and paid on the death of any lord thereof, in case. the limitation of the said manors, lands, tenements, and hereditaments was made to a particular perfort only, and his heirs; now, in order to make the like provisions as were made by the said act of the eleventh year of his present Majesty's reign, for obliging the tenants of the said estates to do such acts and services, and to pay fuch fines and luins of money as aforefaid, it is further enacted by the authority aforefaid, That upon the death of his present Majesty (whom God long preserve for the benefit of his people) and also upon the death of every successive King and Queen of this realm, all such acts and services shall be done and performed, and all such fines and sums of money shall be paid by the respective tenants of the said estates, to the said commissioners, or governors and directors for the time being, of the faid royal hospital at Greenwich, as by the ancient tenure thereof, or by any contract, law, usage, or custom ought to be done, performed, and paid by them, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and successors, and that he

Fines and fervices to be
performed
and paid by
the tenants,
upon the
death of the
King.

and to lay

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their accounts

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and they were to be confidered as private persons only, and not in their politick capacity; and for default of performance of fuch acts and services which ought so to be done and performed, The commisand for default of payment of any fuch fines and fums of money fioners imwhich ought so to be paid, such forfeitures and penalties shall ac- sue for forseicrue and become due, and it shall be lawful for the said commis- tures. sioners, or governors and directors for the time being of the faid royal hospital, in the name of any one of them, to use and take all such ways and means for recovering and taking advantage of the faid forfeitures and penalties, as might be lawfully used or taken by his Majesty, his heirs and successors, in case the said manors, lands, tenements, and hereditaments had continued to be, or were actually vested in his Majesty, his heirs and succesfors, and that he and they were to be considered as private perfons only, and not in their politick capacity; any law, ulage, or custom to the contrary notwithstanding.

VI. And it is hereby further enacted, That the faid Archibald Trustees to Hamilton, Charles Smith, James Gunman, Sir John Thompson, stand possessed William Fawkener, and William Baxter, and the survivors and signed to them furvivor of them, and the executors and administrators of such by two indensurvivor, shall stand possessed of, and interested in the barony tures bearing manors, lands, and hereditaments by the faid two several inden-date 16 Feb. tures, both bearing date the fixteenth day of February, one thou- feveral terms fand seven hundred and forty eight respectively, bargained, sold, of soo years. and affigned unto the said Archibald Hamilton, Charles Smith, James Gunman, Sir Edward Bellamy, Sir John Thompson, William Fawkener, and William Baxter, their executors, administrators, and assigns, for and during all the rest, residue, and remainder, now to come, and unexpired, of the several terms of five hundred years and five hundred years in the same indentures mentioned; and that they the faid Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, William Fuwkener, and William Baxter, and the furvivors and furvivor of them, and the respective heirs, executors, and administrators of such survivor, shall stand seized and in the sum and possessed of, and interested in the aforesaid sum of three thou- of 3000l. in fand pounds, and the barony, manors, lands, and hereditaments, trust for the charged with the payment thereof, in trust for the commission- Greenwich, ers, or governors and directors for the time being, of the faid &c. royal hospital at Greenwich; and to the intent that the said lastmentioned terms of five hundred years, and five hundred years, may attend and wait upon the freehold and inheritance of the premisses therein respectively comprized, and herein before limited to the said Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, and to protect the subject to the same from all mesne incumbrances, if any should happen to be; term of 500

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but subject nevertheless, and without prejudice to the said term of years, limited five hundred years, herein before limited to the said Charles Richmond.

duke



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duke of Richmond and Lenox, and Henry Fox, their executors, and Henry Fox esquire.

administrators, and assigns, as aforesaid.

The committioners for Greenwich Hospital impowered to appoint officers to receive

and to allow

and to make

without ap-

plication to

the Exche-

quer.

falaries,

VII. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners, or governors and directors for the time being, of the said royal hospital at Greenwich, or any seven or more of them, from time to time, and at all times hereafter, to appoint stewards, receivers, or bailiffs, of the said manors, lands, tenements, and hethe rents, &c. reditaments, and to invest them with full power to receive and get in the rents, issues, and profits thereof, and to give receipts,

discharges, and acquittances for the same, and to hold courts, and to do and perform all acts, matters and things necessary for the managing the faid premisses, usually done and performed by

stewards, receivers, and bailiffs, and also to assign and allow such salaries and rewards to the said stewards, receivers,

and bailiffs, as the said commissioners, or governors and directors of the faid royal hospital for the time being, or any feven or more of them, shall think requisite and necessary in

that behalf; and also that it shall and may be lawful to and for the said commissioners, or governors and directors of the faid hospital for the time being, or any seven or more of them,

tale of timber, from time to time, and at all times hereafter, to contract for the sale of, and accordingly to make sale and dispose of all

or any fuch part or parts of the timber, or timber trees on the faid estates, as they the said commissioners, or governors and

directors, or any feven or more of them, shall think fit, and to authorize and appoint any person or persons to make any

contract or contracts for the fale of all or any part or parts of fuch timber and timber trees, and to receive the purchase-mo-

ney for the same, without being obliged to make any application for all or any of those purposes to his Majesty's court of exche-

quer, or to any person or persons whatsoever.

The money arifing by fale be applied to the hospital.

VIII. And it is hereby enacted, That the money to arise by the sale of the said timber, shall be applied to the use of the of timber, to said hospital, but so nevertheless, as that no person or persons who shall purchase any part of such timber, shall be answerable for the application of such purchase-money; and that it shall and may be lawful to and for the faid commissioners, or governors and directors of the faid hospital, or any seven or more of them, to direct the cutting down, from time to time, such timber and timber trees from off the said estates, as they shall at any ed to cut down time adjudge necessary or fitting to be used in the repairing any houses, tenements, buildings, or erections on the said estates, or to be used in the building any new houses, tenements, edifices, buildings, or structures, as they shall judge fitting to be erected on the faid estates, or shall think it necessary or reasonable to build or erect for any tenants of the said estates, or for the be-

nefit or improvement of the premisses, or any part thereof.

Commissioners impowertimber necefia y for repans.

IX. And be it further enacted, That it shall and may be lawar I to d mife ful to and for the commissioners, or governors and directors for the mines for the time being of the faid roval haspital at Greenwich, or any se-"1 " Tr ven or more of them, from time to time, and at all times here-

after

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after, to demise and grant all and every, or any of the mines of lead, coal, and other minerals, as well opened as not opened? within and under any of the aforesaid lands and premisses, to any person or persons, for any term or number of years, not exceed- and to grant ing twenty one years, and to grant leases of all or any of the a- leases for 21 foresaid manors, lands, tenements, and hereditaments, unto years, any person or persons, for any term or number of years, not exceeding twenty one years, to take effect in possession and not in reversion, reserving on every lease, demise, or grant of mines, fuch dues, rent or rents, and profits, as they shall judge most reasonable, and reserving, on every other lease and demise, the best yearly or other rents or dues which can be reasonably got- without fine; ten for the same, without taking any fine, premium, or foregift; and that it shall be lawful for the said commissioners, or gover- and to grant nors and directors of the faid hospital, or any seven or more of power to work them, to grant in every such lease, demise, or grant of mines mines, &c. and minerals, to the respective adventurers, lessee or lessees of fuch mines and minerals, full power and liberty to win and work the same mines and minerals, and to do every other reafonable act and thing requisite and necessary for that purpose.

X. But it is hereby enacted, That in every such demise and Condition for lease, there shall be contained a condition of re-entry for non-re-entry on payment of the rent and rents thereby respectively to be reserved; nonpayment of rent, &c. and it shall be requisite for the respective lessees to execute counterparts of all such demises and leases, and no clause shall be contained in any of the faid demises or leases, other than in demifes or leafes of the faid mines or minerals, whereby to give power to any lessee to commit waste, or to exempt him, her, or

them from punishment for committing the same.

XI. And whereas the fines, customs, and services, by and under which several of the tenants hold their farms, lands, tenements, and estates, lying and being within several of the aforesaid manors, are agreed, ascertained, or expressed in some articles, indenture, deed, or writing, now or late in the custody or power of some of the said tenants, which, if produced, might be a means to prevent disputes, differences, and suits, concerning the said fines, customs, and services, and for the quiet and benefit both of the lord and tenants: and it may happen, that such tenants may refuse to produce or shew such articles, indenture, deed, or writing; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for any The commisfeven or more of the commissioners, or governors and directors sioners may of the said hospital for the time being, to apply to his Majesty's exchequer for court of exchequer at Westminster, by motion in a summary way, tenantsto proagainst any tenant or tenants holding any farms, lands, tene- duce writings. ments, or estates, lying and being within the said manors, or any of them, of whose having in his, her, or their custody or power any fuch articles, indenture, deed, or writing, probable evidence shall be shewed to the satisfaction of the said court, Exchequer to for fuch tenant or tenants to produce and thew forth the fame; make order upon which motion, it shall and may be lawful to and for the thereon. said court of exchequer, to examine and enquire into the said matter, and to make such order or orders with respect to the produ-

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cing and shewing forth any such articles, indenture, deed, or writing, by any such tenant or tenants appearing to the faid court to have the same in his, her, or their custody or power, and with respect to any copy or copies to be had and made thereof, and fuch other order and orders concerning the same, as the said court

mall-think proper and just.

Fower given of electing room of those who mail die.

XII. And it is hereby further enacted, That so soon as it stall happen that so many of them the said Archibald Hamilton, Charles Smith, James Gunman, Sir John I hompson, Sir James truftees in the Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Cockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, the trustees nominated and appointed in and by this act, for and on the behalf of the faid commissioners, or governors and directors of the said royal hospital at Greenwich, shall happen to die, so as that the number of such trustees shall be reduced to eleven, or any lesser number, that then and in that case, it shall and may be lawful to and for the commissioners, or governors, and directors of the faid hospital for the time being or any seven or more of them, and they are hereby authorized and impowered at any time thereafter, by any deed or instrument in writing under their respective hands and sea s, and to be enrolled in his Majesty's high court of Chancery, to nominate such other persons as they the said commissioners, or governors and directors of the faid hospital, or any seven or more of them, shall think fit, in the place of such of the said trustees as shall so happen to die; and that it also shall and may be lawful to and for the faid commissioners, or governors and directors of the faid hospital for the time being, or any seven or more of them, and they are hereby authorized and impowered, from time to time, and at all times afterwards, when and so often as any other of the faid trustees, or when and so often as any of such other persons as shall be so nominated as aforesaid, or any other persons to be afterwards nominated in pursuance of this act (which they are hereby authorized and impowered to nominate accordingly) shall happen to die, by any such deed or instrument in writing as aforefaid, to nominate fuch other persons as they the faid commissioners, or governors and directors, or any seven or more of them, shall think fit, in the place of all and every the person and persons so dying.

The lands to well in the joint trutlees.

XIII. And it is hereby enacted and declared, That from and immediately after every fuch nomination, all and fingular the manors, lands, tenements, and hereditaments and powers herein before limited and given to the faid Archibald Hamilton, Charles Smith, James Gunman, Sir John Thompson, Sir James Creed, Peter Burrell, William Fawkener, William Baxter, Edward Vernon, Thomas Ripley, David Gockburn, James Spilman, William Allix, Fitzwilliam Plumptre, William Young, and Francis Dansays, and their heirs as aforesaid, shall be well vested in the persons who from time to time, shall be so nominated as aforesaid, jointly with the survivors of the said trustees, or such other persons as



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aforesaid, and in their heirs, in trust for the said commissioners, or governors and directors of the faid hospital, as fully and effectually, to all intents and purposes, as if the persons to be so nominated as aforesaid, had been actually named in this act, and the said manors, lands, tenements, and hereditaments and powers had been hereby limited and given to them and the furvivors of the faid trustees, or such other persons, as aforesaid,

and their heirs. XIV. And it is hereby declared, That the faid term of five The term of hundred years is so limited to the said Charles duke of Richmond 500 years li and Lenox, and Henry Fox, their executors, administrators, and mited to the assigns, upon trust, that they the said Charles duke of Richmond mond and and Lenox, and Henry Fox, and the survivor of them, and the Henry Fox executors, administrators, and assigns of such survivor, do and esquire, in shall by demise or mortgage of the manors, messuages, lands, trust, tenements, and hereditaments, comprized in the said term, or of a competent part thereof, for all or any part of the faid term, levy and raise the full sum of thirty thousand pounds of lawful to raise money of Great Britain, and do and shall by and out of the 30,000 l with rents, issues, and profits of the said manors, lands, tenements, interest at 41. and hereditaments, levy and raise interest for the same from the per cent. twenty ninth day of September, one thousand seven hundred and forty eight, at the rate of four pounds per centum per annum, until the said principal sum shall be levied and raised; and do and shall pay the sum of six thousand pounds, part of the said 6,000 l. thereprincipal sum of thirty thousand pounds, and interest for the of to be paid same at the rate aforesaid, from the twenty fifth day of March, Charlotte one thousand seven hundred and forty nine, unto the said lady Radcliffe, Bar-Charlotte Radcliffe, lady Barbara Radcliffe, and lady Mary Rad- bara Radcliffe, cliffe, equally to be divided among them share and share alike, and Mary Radcliffe, &c. the parts and shares of the said lady Charlotte Radeliffe, and lady Barbara Radiliffe, to be paid as foon as may be after the faid thirty thousand pounds shall have been so levied and raised, and in the mean time to be confidered as vested interests respectively, and to go to their several executors, administrators, and assigns respectively; and the part or share of the said lady Mary Rad- Disposition of cliffe, to be paid at her age of eighteen years, or day of marriage, lady Mary which shall first happen: but if the said lady Mary Radeliffe shall Radeliffe's happen to die before she shall attain her age of eighteen years, portion in case or be married, then the part and share of her the said lady Mary 18 years of Radeliffe, of and in the faid fum of fix thousand pounds, and age, or marthe interest thereof, shall be paid unto the said lady Charlotte riage. Radeliffe, and lady Barbara Radeliffe, equally to be divided between them there and there alike, and their respective theres therein to be considered as vested interests, in like manner; and Trustees to inas to the principal sum of twenty four thousand poun is residue vett 22,000 l. of the said principal sum of thirty thousand pounds, upon trust, funds, or that they the faid Charles duke of Richmond and Lenox, and Hen- stocks, &c. ry Fox, and the survivor of them, and the executors, administrators, and alligns of such survivor do and shall, from time to time, lay out and invest the said principal sum of twenty four thousand

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terest for the fame, and for the whole principal of 30,0001.

Interest of Bartholomew Radcliffe, and his issue male;

thousand pounds, either in the publick funds, or in the purchase of parliamentary stocks, or do and shall place out the same at interest upon government securities; and upon further trust, that they the faid Charles duke of Richmond and Lenox, and Henry Fox, and to pay in- and the survivor of them, and the executors and administrators of fuch furvivor do and shall pay the interest of the said principal sum of twenty four thousand pounds from the feld twenty fifth day of March, one thousand seven hundred and forty nine, until the same shall belevied and raised by them, and the interest of the faid whole principal sum of thirty thousand pounds, from the said twenty ninth day of September, one thousand seven hundred and forty eight, to the said twenty fifth day of March, one thousand feven hundred and forty nine; and also from time to time pay 24,000 l. to be the interest, dividends, annual profits, and proceed, which shall paid to James at any time or times arise by or in respect of the said principal sum of twenty four thousand pounds, after the same shall be levied and raised by them, and of the stocks, funds, and securities, in which the same shall or may be invested unto the said James Bartholomew Radcliffe and his assigns, during his natural life, for his and their own sole use and benefit, and from and after the decease of the said James Bartholomew Radeliffe, then do and shall pay the interests, dividends, annual profits, and proceed, which shall at any time or times thereafter arise by or in respect of the said principal sum, stocks, funds, and securities, unto the first son of the said James Bartholomew Radcliffe, lawfully to be begotten, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without iffue of his body; and in case such first son or the faid fames Bartholomew Radcliffe shall attain his age of twenty one years, then that the faid trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first fon of the said James Bartholomew Radcliffe, his executors, and administrators, for his and their own sole use and benefit; but in case such first son shall happen to die under the age of twenty one years without iffue of his body, that then they the faid trustees do and shall pay the interest, dividends, annual profits, and proceed of the faid principal sum, stocks, funds, and fecurities unto the fecond fon of the faid James Bartholomew Radcliffe, lawfully to be begotton, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age without issue of his body; and in case such second son of the said James Bartholomew Radeliffe shall attain his age of twenty one years, then that the faid trustees shall pay, allign, transfer, and make over the faid principal fum, and the stocks, funds, and fecurities, in which the same shall or may be invested, to such second son of the said James Bartholomew Radcliffic, his executors and administrators, for his and their own sole use and benefit; but in case such second son shall happen to die under the age of twenty one years without issue of his body, that then they the said Charles duke of Richmond and Lenox, and Henry



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Henry Fox, their executors, administrators, and assigns, shall stand and be possessed of and interested in the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the fon and fons of the faid James Bartholomew Radeliffe, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second sons of the said James Bartholomew Radeliffe, every such son and sons to be intitled to, and to take the faid principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, feverally and fuccessively one after the other, according to his and their priority of birth, the elder of fuch fon and fons being always preferred, and to be intitled to and to take the fame before the younger of fuch fon and fons; and in case there shall not be any son of the said James Bartholomew Radeliffe. lawfully begotten, or all such sons shall die before any of them shall attain his age of twenty one years, and without leaving iffue of their bodies, then that they the faid trustees do and shall pay the interest, dividends, annual profits, and proceed of the faid principal sum, stocks, funds, and securities, unto the first daughter of the said James Bartholomew Radeliffe, lawfully to be and in case of begotten, to and for her own use and benefit, until she shall at- failure of male tain the age of eighteen years, or shall die under that age, with- issue then to his out issue of her body; and in case such first daughter of the said slive female; Jemes Bartholomew Radeliffe shall attain her age of eighteen years, then that the faid trustees shall pay, assign, transfer, and make over the faid principal fum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said James Bartholomew Radeliffe, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years without iffue of her body, that then they the laid truftees do and shall pay the interest, dividends, annual profits and proceed of the faid principal fum, stocks, funds, and fecurities, unto the second daughter of the said James Bartholomero Radeliffe, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case fuch second daughter of the said James Bartholomew Radeliffe shall attain her age of eighteen years, then that the faid trustees shall pay, affign, transfer, and make over the faid principal fum, and the stocks, funds, and securities, in which the same shall or may be invested, to such second daughter of the said Jumes Bartholomew Radeliffe, her executors and administrators, for her and their own fole use and benefit; but in case such second daughter shall happen to die under the age of eighteen years, without issue of her body, then that they the said Charles duke of Richmont and Lenox, and Henry Fex, their executors, administrators, and assigns, shall stand and be possessed of and interested in the



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faid principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the daughter and daughters of the said James Bartholomew Radeliffe, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second daughters of the said James Bartholomew Radeliffe; every fuch daughter and daughters to be intitled to, and to take the faid principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, feverally and fuccestively, one after the other, according to her and their priority of birth, the elder of such daughter and daughters being always preferred, and to be intitled to, and to take the same before the younger of fuch daughter and daughters; and in case there shall not be any daughter of the said James Bartholomew Radeliffe, lawfully begotten, or all such daughters shall die before any of them shall attain her age of eighteen years, and without leaving issue of their bodies, then that they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the faid principal sum, stocks, funds, and securities, unto the faid James Clement Radeliffe, and his affigns, during his natural life, for his and their own sole use and benefit; and from and after the decease of the said James Clement Radeliffe, then do and thall pay the interest, dividends, annual profits, and proceed which shall at any time or times thereafter arise by or in respect of the faid principal sum, stocks, funds, and securities, unto the first son of the said James Clement Radeliffe, lawfully to be begotten, to and for his own use and benefit, until he shall attain the age of twenty one years, or shall die under that age, without isfue of his body; and in case such first son of the said James Clement Radcliffe shall attain his age of twenty one years, then that the said trustees shall pay, assign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first son of the faid James Clement Radeliffe, his executors and administrators, for his and their own sole use and benefit; but in case such first ton shall happen to die under the age of twenty one years, without issue of his body, that then they the said trustees do and shall pay the interest, dividends, annual profits, and proceed of the faid principal sum, stocks, funds, and securities, unto the second son of the said James Clement Radeliffe, lawfully to be begotten, to and for his own use and benefit, until he shall attain his age of twenty one years, or shall die under that age, without iff e of his body; and in case such second son of the said James Clement Radeliffe shall attain his age of twenty one years, then that the faid truffees shall pay, assign, transfer, and make over the faid principal sum, and the stocks, funds, and securities in which the same shall or may be invested, to such second son of the said James Clement Radeliffe, his executors and administrators, for his and their own sole use and benefit; but in case such second

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On failure of iffue of James Bartholomew Radcliffe, then to be paid to James Clement Radcliffe, and his iffue.



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Ton shall happen to die under the age of twenty one years, withbut iffue of his body, then that they the faid Charles duke of Richmond and Lenox, and Henry Fox, their executors, administrators, and affigns, shall stand and be possessed of, and interested in, the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or may be invested, in trust for the third, fourth, fifth, and all and every other the son and sons of the said James Clement Radcliffe, lawfully to be begotten, in like manner, and for fuch interests, as are herein before respectively limited to the said first and second fons of the said James Clement Radeliffe, every such son and sons to be intitled to, and to take the faid principal fum, and the stocks, funds, and securities in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to his and their priority of birth, the eldest of such son and fons being always preferred, and to be intitled to, and to take the same before the younger of such son and sons; and in case there shall not be any son of the said James Clement Radcliffe, lawfully begotten, or all fuch fons shall die before any of them shall attain his age of twenty one years, and without leaving iffue of their bodies, then that they the faid trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal fum, stocks, funds, and securities, unto the first daugh-+r of the faid James Clement Radcliffe, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without issue of her body; and in case such first daughter of the said Fames Clement Radeliffe shall attain her age of eighteen years, then that the faid truftees shall pay, affign, transfer, and make over the said principal sum, and the stocks, funds, and securities, in which the same shall or may be invested, to such first daughter of the said James Clement Radcliffe, her executors and administrators, for her and their own sole use and benefit; but in case such first daughter shall happen to die under the age of eighteen years, without iffue of her body, that then they the faid trustees do and shall pay the interest, dividends, annual profits, and proceed of the said principal sum, stocks, funds, and securities, unto the second daughter of the said James Clement Radeliffe, lawfully to be begotten, to and for her own use and benefit, until she shall attain the age of eighteen years, or shall die under that age, without iffue of her body; and in case such second daughter of the the said James Clement Radcliffe shall attain her age of eighteen years, then that the said truttees shall pay, assign, transfer, and make over the faid principal sum, and the stocks, funds, and fecurities, in which the same shall or may be invested, to such second daughter of the said James Clement Radeliffe, her executors and administrators, for her and their own sole use and bepefit; but in case such second daughter shall happen to die under the age of eighteen years, without iffue of her body, then that mey the faid Charles duke of Richmond and Lenox, and Henry Fox.

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Fox, their executors, administrators, and assigns, shall stand and be possessed of, and interested in, the said principal sum of twens four thousand pounds, and the stocks, funds, and securities, i which the same shall or may be invested, in trust for the third. fourth, fifth, and all and every other the daughter and daughters of the said James Clement Radeliffe, lawfully to be begotten, in like manner, and for such interests, as are herein before respectively limited to the said first and second daughters of the said James Clement Radcliffe, every such daughter and daughters to be intitled to, and to take the faid principal fum, and the stocks. funds, and securities, in which the same shall or may be invested, and the interest, dividends, annual profits, and proceed thereof, severally and successively one after the other, according to her and their priority of birth, the elder of fuch daughter and daughters being always preferred, and to be intitled to, and to take the same before the younger of such daughter and daughters; and in case there shall not be any daughter of the said James issue of James Clement Radcliffe, lawfully begotten, or all such daughters shall die before any of them shall attain to the age of eighteen years, be paid to the and without leaving issue of their bodies, then that they the said ' executors and Charles duke of Richmond and Lenox, and Henry Fox, their executors, administrators, and assigns, shall stand and be possessed 1 of, and interested in, the said principal sum of twenty four thoufand pounds, and the stocks, funds, and securities, in which 1 the same shall or may be invested, in trust for the executors administrators, and affigns of the said James Bartholomew Raa cliffe, to and for their own proper use and benefit.

On failure of Clement Radaffigns of James Bartho-Iomew Kadcliffe.

James Bartholomew Radcliffe, and James Clement Radcliffe impowered to make fettlements in cafe of marriage;

XV. Provided always, and it is hereby enacted and declared, I That it shall and may be lawful to and for the said James Bar-F tholomew Radcliffe, and James Clement Radcliffe, from time to time, and at any time during their respective natural lives, as c and when they shall by virtue of this act be respectively intitled to receive the yearly interest, dividends, profits, and proceed of " the faid principal sum of twenty four thousand pounds, and of 3 the stocks, funds, and securities in which the same shall or may? be invested, or any part or parcel thereof, by any deed or deeds, or other instrument in writing, under their respective hands and feals, attested by two or more credible witnesses, to limit, appoint, or settle any part or parts of the yearly interest, dividends, profits, and proceed of the faid principal fum, stocks, funds, and securities, not exceeding one third part of the yearly interest, dividends, profits, and proceed of so much of the said principal sum, stocks, funds, and securities, as they shall re-1 spectively by virtue of this act be then intitled actually to receive, to and upon, and for the use and benefit of any woman or " women with whom the faid James Barthelomew Radeliffe and ! James Clement Radeliffe shall hereafter happen to inter-marry for the life of such woman or women, in nature of a jointy ; for fuch woman or women, and to take effect immediately a. the decease of the person or persons making such limitation, : . 1 pointment, or fettlement, and fuch limitation, appointment of fettlem.



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attlement, to be before or after such marriage, as to them the aid James Bartholomew Radcliffe, and James Clement Radcliffe,

shall respectively seem meet.

XVI. Provided also, and it is hereby further enacted and de- and to assign clared, That it shall and may be lawful to and for the said to trustees one James Bartholomew Radcliffe and James Clement Radcliffe, as and third of the when they shall by virtue of this act be respectively intitled to proceed of receive the yearly interest, dividends, profits, and proceed of 24,000 l. for the faid principal fum of twenty four thousand pounds, and of the stocks, funds, and securities, in which the same shall or may be invested, or any part or parcel thereof, by any deed or deeds, or other instrument in writing, under their respective hands and feals, with or without power of revocation, and to be attested by two or more credible witnesses, or by his or their last will or wills in writing, signed by him or them, and attested by three or more credible witnesses, to assign, limit, or appoint unto any fuch person or persons, as shall by him or them be thought proper to be trustees in that behalf, any part or parts of the yearly interest, dividends, profits, and proceed of the said principal fum, stocks, funds, and securities, not exceeding one third part of the yearly interest, dividends, profits, and proceed of fo much of the faid principal fum, stocks, funds, and securities, as they shall respectively by virtue of this act be then intled actually to receive, to hold unto fuch trustees, their execuars, administrators, and assigns, for any term or number of years, not exceeding twenty one years, to commence either in possession, or at any future day, during the life of the person and persons to respectively assigning, limiting, or appointing the same, or from his or their decease, as in and by such deed, instrument, or will shall be expressed.

XVII. And it is hereby enacted, That such respective assign- in order to ments and appointments, to be made in pursuance of this act raise portions as last is mentioned, shall be respectively in order to and for the for daughters surpose of raiting portions for the daughters and younger sons sons. of the person and persons so assigning, limiting, or appointing luch part or parts of the yearly interest, dividends, profits, and proceed of the faid principal sum, stocks, funds, and securities as aforesaid; and they the said trustees, to whom such assignments or appointments shall be respectively made, and their executors and administrators, shall respectively stand possessed of, and interested in the part and parts of the yearly interest, divilends, profits, and proceed of the faid principal fum, stocks, unds, and securities, so to be to them respectively affigued, limited, or appointed as aforefaid, in trust, by the ways and means n such respective deeds, instruments, or last wills to be menoned to levy and raise for the portion and portions of the retive daughter or daughters, younger son or younger sons of respective person and persons so assigning, limiting, or apsting the faid part and parts of the yearly interest, dividends, is, and proceed of the faid principal fum, stocks, funds, securities, such sum and sums of money so to be paid to and

among

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among such daughter or daughters, younger son or sons, in such shares and proportions, and at such days and times, and wit, or without such maintenance or interest in the mean time, until the same shall be paid, not exceeding the interest of such respect tive portions, and also with such benefit of survivorship, and subject to and under such conditions, provisoes, limitations, dei clarations, and agreements, and with fuch powers for lesseningt increasing, changing, and altering all and every such portion ot portions, as in and by such respective deeds, instruments, ot last wills, shall, from time to time, by the respective person and persons so assigning, limiting, or appointing such respective par and parts of the yearly interest, dividends, profits, and proceets of the said principal sum, stocks, funds, and securities, be diri rected and declared, and to and for no other intent or purpost! whatfoever; and from and immediately after such portion of portions, maintenance and interest shall be raised and paid, on upon payment thereof by the person intitled to the reversion exR pectant on the determination of the faid term, all and every fucl term, so to be created and vested in trustees as aforesaid, shain cease, determine, and be void, to all intents and purposes whatgi loever.

On payment of fuch portions, the term to ceafe.

James Bartho-Lomew Radcliffe to become bound in se,oool not to enter into any foreign fervice without licence from the King.

XVIII. Provided always, and it is hereby enacted and dele clared, That if the said James Bartholomew Radcliffe shall nof! within the space of twelve calendar months next after the passings of this act, in case he shall be living at the end of the said twel months, enter into a recognizance before the chief justice of him Majesty's court of King's Bench, or before the chief justice of his Majesty's court of Common Pleas, at Westminster, wherein he shave be bound to his Majesty, his heirs and successors, in the sum chi fifty thousand pounds, not to enter into the service of any foel reign prince, state, or potentate, in any capacity whatsoevers nor to depart this realm without the licence of his Majesty, hie heirs or successors, under his or their sign manual for that pules pose first had and obtained; that then, and in that case, all such right, title, and interest, as is herein before vested in, or limitehi to, the faid fames Bartholomew Radcliffe, and his iffue, in an. to the faid principal sum of twenty four thousand pounds, and the stocks, funds, and securities in which the same shall or made be invested, and in and to the interests, dividends, annual proti fits, and proceed thereof, thall, from thenceforth, cease aren determine, in the same manner, to all intents and purposes, Att if the said James Bartholomew Radcliffe was then actually der without iffue of his body.

James Cleto become bound in 50,000 l. not to enter into foreign fervice without licence.

XIX. Provided also, and it is hereby likewise enacted and day ment Radcliffe clared, That if the faid James Clement Radcliffe shall not, witled in twelve calendar months next after he shall have had notil that any right, title, or interest, in or to the interest, dividend annual profits, and proceed of the faid principal fum, stockad funds, and fecurities, or any part thereof, hath actually comet le or is vested in him in possession, by virtue of the trusts aforesaich appear before the chief justice of his Majesty's court of King,

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Bench, or before the chief justice of his Majesty's court of Com-, non Pleas at Westminster, and enter into a recognizance, where-Anhe shall be bound to his Majesty, his heirs and successors, in the : like sum of fifty thousand pounds, not to enter into, nor continue, cor be in the service of any foreign prince, state, or potentate, in any capacity whatfoever, nor to depart this realm, without the licence of his Majesty, his heirs or successors, under his or their fign manual for that purpose first had and obtained, that othen, and in that case, all such right, title, and interest, as is wherein before vested in, or limited to, the said James Clement Radcliffe, and his issue, in and to the said principal sum of exwenty four thousand pounds, and the stocks, funds, and seculirities, in which the same shall or may be invested, and in and to ofthe interest, dividends, annual profits, and proceed thereof, Mall, from thenceforth cease and determine, in the same manoner, to all intents and purposes, as if the said fames Clement Radeliffe was then actually dead, without issue of his body.

XX. And it is hereby enacted and declared, That nothing None of the in this act contained shall extend, or be construed to extend, to parties benetgive to the said James Bartholomew Radcliffe, James Clement Rad- fited to be nadiffe, lady Charlotte Radcliffe, lady Barbara Radcliffe, and lady this act. eMary Radeliffe, or to any of them, any right or privilege of claiming to be naturalized by virtue of this act, or of being

ndeemed or taken, or of claiming, by virtue hereof, to be natu-A born subjects; but they and every of them shall be and remain in respect thereof, in the same state, plight, and condition, to all intents and purposes, as they and every of them awould have been in case this act had not been made, save that chey and every of them shall and may maintain any action or dections, and commence and profecute any fuit or fuits, and use eand exercise all such other remedies and privileges as shall be hiecestary for the enabling them, or any of them, to have the penefit of this act, and of the several provisions hereby made, and of the several trusts and interests before-mentioned; any tehing herein before contained to the contrary notwithstanding.

n XXI. Provided always, and it is hereby further enacted, Penalty of any That if the said James Bartholomew Radeliffe, and James Clement of the said Radcliffe, or either of them, or their or either of their iffue, parties being reither male or female, for whom any provision is made, or in- silty of high rended to be made, by this act, or to or for whom any trust or majorifon or nterest is hereby limited or declared, shall at any time hereafter treason. ere guilty of or commit any crime or offence which would be igh treason, or misprision of treason, or shall do or perform dny act, matter, or thing which would have amounted to high reason, or misprision of treason, in case the person or perions

p being guilty of or committing any fuch crime or offence, or p doing or performing such act, matter, or thing, as aforesaid, kad been a natural born subject of this realm, that then, and in that tile, the person or persons who shall be so guilty of, or commit ch crime or offence, or who shall so do or perform any such gt, matter, or thing, as aforesaid, shall for him and herself,

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and for themselves respectively, and for his, her, and their issue and descendants, forfeit to his Majesty, his heirs and successors, all such right, title, and interest, as shall be then vested in him, her, or them, either in possession or reversion, in and to the said principal sum of twenty four thousand pounds, and the stocks, funds, and securities, in which the same shall or may be invested, and in and to the interest, dividends, annual profits, and proceed thereof, in the same manner, to all intents and purposes, as if such person or persons had been natural born subjects of this realm.

The commiffioners impowered to agree with the parties, or others, for leis interest.

XXII. And it is hereby enacted, That it shall and may be lawful to and for the said commissioners, or governors and directors of the said hospital, or any seven or more of them, at any time or times hereafter, to agree with any person or persons who shall be intitled to all or any part of the principal money to be levied and raised by virtue of this act, or the interest thereof, for any less rate or interest for such principal money, than is hereby made payable for the same, or than the same shall or may be levied and raised at; and in case the person or persons who thall be intitled thereto shall not so agree, then to agree with any other person or persons for the advancing money at any less rate or interest than aforesaid, for paying off all or any part of the principal money hereby directed to be levied and raised; and then and in that case, the principal money which shall be so paid off, and the securities for the same, shall be asfigned to the person or persons who shall advance such money, provided that such assignment mall be made for the respective principal money only that shall be so paid off, and for the interest of such principal money to grow due from and after the making of such assignments respectively; and that the said principal money, and the interest thereof in all such assignments, shall be made payable at the end of fix months at the farthest, from the day of the making such assignments respectively.

Truffees to give receipts.

XXIII. And it is hereby further enacted, That the receipt or receipts of the faid Charles duke of Richmond and Lenox, and Henry Fox, or the survivor of them, or the executors or administrators of such survivor, ander his or their hands respectively, shall be a good and effectual discharge to the person and perfons to whom any demise or mortgage shall be made in pursuance of this act, for such sum and sums of money for which fuch receipt or receipts shall be given; and after such receipt or receipts thall be so given, such person and persons shall be, and are hereby absolutely acquitted and discharged of and from the same; and they, or any of them, after such receipt or receipts given, shall not be answerable or accountable for any loss, misapplication, or nonapplication of the faid money, or any part thercof.

No truffee to be accountable for more than what he ly do.

XXIV. Provided always, and it is hereby further enacted and declared, That the faid Charles duke of Richmond and Lenox, and Henry Fox, or the survivor of them, or the executors, or shall separate. administrators of either of them, shall not be answerable nor accountable



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accountable for any fum or fums of money to be received by them, or any of them, under the trusts hereby created and derelared, any otherwise than each person for such sum or sums of money as he shall respectively actually receive; and that no one of them shall be answerable or accountable for the acts, receipts, neglects, or defaults of the other of them, nor for any loss or damage that shall or may happen by or in placing out of the faid principal sum of twenty four thousand pounds, or any part thereof, at interest, or by or in depositing the same with any person or persons, or in any place or places, for safe custody, until the same shall, from time to time, be placed out as aforefaid, unless such loss or damage shall happen by or through their voluntary or wilful\_default.

XXV. And it is hereby also enacted, That they the said Trustees to re-Charles duke of Richmond and Lenox, and Henry Fox, and each imburie themof them, and their and each of their executors and administra- selves. tors, out of the principal money which shall come to their or any of their hands, or the interest, dividends, and proceed thereof, shall be allowed, and retain to and reimburse themselves all fuch costs, charges, damages, and expences, as they shall or may respectively sustain, be at, or put unto, in or about the execution of all or any of the trusts hereby in them reposed.

XXVI. And be it further enacted by the authority aforesaid, Publick act. That this act, and every clause, matter, and thing herein contained, shall by all and every judge and judges, and other perfon and persons, be construed and adjudged as largely and beneficially in all courts of law and equity, and all other places, as can be for the ends and purposes herein expressed, and the same is hereby declared to be a publick act of parliament, and all judges and justices are hereby required to take notice thereof

as fuch, without special pleading the same.

XXVII. Saving to the King's most excellent majesty, his Rights of the heirs and successors, all his and their right to such quit-rents, crown, and crown-rents, and dutchy-rents, only issuing out of the said se-others saved. weral estates intended to be hereby settled to and for the use and benefit of the said royal hospital at Greenwich, as the same estates were respectively liable to on the twenty third day of June, in the year of our Lord one thousand seven hundred and fifteen; and faving to the lady Catharine Radcliffe, if living, and to all and every other person and persons (other than and except the said King's majesty, his heirs and successors, save as aforesaid, and other than and except the faid James Bartholomew Radeliffe, commonly called lord Kenaird, and James Clement Radeliffe, and the heirs male of their respective bodies; and all and every other person and persons whatsoever, who is, are, or shall be the descendant or descendants of or from the said Francis late earl of . Derwentwater, or the faid James late earl of Derwentwater, or the faid late Charles Radcliffe, or any of them, except the faid lady Catherine Radeliffe, if living, and all and every other person and persons, who may or shall at any time hereafter claim any right, YOL. XIX. Gg



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title, estate, or interest, in, to, or out of the said several last-mentioned estates, by means of the said recited settlements of the twenty third and twenty sourth days of March, one thou-fand six hundred and ninety one, and the twenty third and twenty sourth days of June, one thousand seven hundred and twelve, or either of them) all their right, title, interest, claim, or demand to the said several estates intended to be hereby settled to and for the use and benesit of the said royal hospital at Greenwich, or any part or parts thereof.

The END of the Nineteenth Volume.